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The
Connecticut Constitution

MELBERT B. CARY





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THE
Connecticut Constitution

BY
MELBERT B. CARY



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1900

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To the People of Connecticut

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PREFACE

At a time when much is said about the defects of our system of government, and the corrupt tendency so manifest in municipal, state, and national affairs is raising doubts as to the future of Republics, this work, which may be called a study in popular government, as affected by the exigencies of modern politics, is undertaken in the hope that it may tend to strengthen the faith of those who believe in government by the people, and that the people themselves can be depended upon to work for right and justice, whenever they fully understand and appreciate the situation.

A condition of affairs has arisen which is causing many to declare that the people no longer rule in Connecticut; that the equality of man before the law is a myth; that we have drifted far away from the principles laid down by our forefathers in the constitution of 1639, and that the constitutional conditions existing in the State, tend more toward political corruption than in any State in the Union.

It is folly or hypocrisy to say there is no ground for these statements. They are made by loyal and loving sons of the State, who make them with regret and only in the hope that by laying bare the truth a change may become possible.

If by the following words a little impetus be given to the cause of good government, and toward restoring Connecticut to her former position of leadership in the march of constitutional progress, the writer will be satisfied.

WILDFARMS,

RIDGEFIELD, CONN.

July 23, 1900.

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The Connecticut Constitution

CHAPTER I

HISTORICAL

GIBBON'S "Decline and Fall of the Roman Empire" presents no more startling picture of a people who once led the world, fallen from its high estate, than does the history of Connecticut for the past 250 years, when studied with reference to her political development and present status. The comparison at first may seem strong, but it simply emphasizes the lack of intelligent appreciation of the mighty forces which were first set in motion by her early settlers, and the depths of self-stultification which have now been reached.

Almost unconsciously since the early part of the century, and without any such intention or affirmative action, this grand old commonwealth has gradually receded from the proud position of leader and teacher of the whole civilized world in the science of government, until now, among the republics of the world, among the States of this Union, there is none so poor to do her reverence. Government and law were old before Connecticut was known, but the perfect flower

of the science of government is self-government, and the first step toward self-government is the spontaneous and untrammelled adoption by a free people of a fundamental agreement commonly called a constitution.

The first authentic occurrence of this kind recorded in history took place within the borders of Connecticut in 1639, when the people of the towns of Windsor, Wethersfield and Hartford, met and adopted a constitution, under which they lived for many years. The nearest approach to similar action prior to this was the Union of Utrecht, which, however, was not the people's action, but was imposed upon the Netherlands republic by the Prince of Orange.

The compact signed on the Mayflower was only an agreement by the Pilgrims to form some kind of a government after they landed, and this document began with the formal acknowledgment of the King as the source of all authority.

So to Connecticut belongs the glory of being the first to take this step, which has been followed by every republic since established in the new and old worlds, and by all the states of the Union.

The constitution of 1639 was as admirable in its details as it was great in its conception. It provided for equal representation in the following words: "They shall send so many deputyes as the courte shall judge meete; a reasonable proportion to the number of free-men that are in the said townes." It also provided unequivocally for plurality elections, where it declared that "He that hath the greatest number of papers (votes) shall be governor for that year." It declared for liberty of speech; election by ballot and political equality of mankind.

This was Connecticut's first great achievement in history—an achievement sufficient to render her fame imperishable, for to her, because of this action, pre-eminent in the seventeenth century, every man, whether he be free or yearning for freedom, whatever may be his country, owes a debt of gratitude. But this is not all; for more than a hundred years later after the great struggle for independence had been won, and the representatives of the colonies met in convention at Philadelphia in May, 1787, to frame and adopt a federal constitution, Connecticut again came to the front, and proved herself a leader in the science of government. It was Connecticut which appeared as a mediator between the so-called large states and the small states in the bitter dispute which arose concerning the proposed terms of confederation; and succeeded finally in securing the adoption of an instrument, based upon the same general principles as her own state constitution of 1639, which virtually lasted until 1818, for the charter of 1662 changed it in no essential point.

There was no question then, and there is none now, that the successful operation of the fundamental principles of Democracy, as embodied in the constitution of 1639, for nearly a century and a half, was one of the chief causes that led to the adoption of our federal constitution as it was finally framed, or, as an eminent historian states: "It is hardly too much to say that the birth of the constitution was merely the grafting of the Connecticut system on the stock of the old confederation."

Passing now from the eighteenth to the nineteenth century, we find Connecticut again distinguished as a constitution maker, by reason of the firm stand she took

in 1818 against religious intolerance. Prior to that time, in this state we had an established church, which all men were taxed to support, whether they belonged to it or not, and more than that, all dissenting churches were taxed by law for support of the established church. Another law was that anyone, even if ordained, who preached in a parish without the invitation of the minister of the established church, should be sent as a vagrant from constable to constable out of the state. Finally, the democratic party came to the decision to make common cause with the dissenters of all sects, and demand disestablishment, and in 1816, at New Haven, on that platform, nominated Oliver Wolcott and Jared Ingersoll for Governor and Lieutenant-Governor, and they called themselves the Party of Toleration. Ingersoll was elected, and Wolcott barely defeated, but in the following year the Party of Toleration elected them both, and also two-thirds of the legislature. Their first achievement was to put all sects on an equality as to taxation, and the next to call a state convention to frame a constitution, which has lasted to this day, and which declares (Section 3) "The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all citizens of this state."

Thus, early in the nineteenth century did Connecticut proclaim the great principles of the equality of all religious bodies before the law, and the absolute separation of church and state.

Such is the record of the state as a constitution maker in the seventeenth, eighteenth and nineteenth centuries; a record of which her sons may well be proud, and which entitles her to be called the Mother

of Republics. What has she done to add to her fame in the latter part of the nineteenth century, now rapidly drawing to a close? What is her record during a period so full of progress and advancement in the cause of good government the world over? Where does she stand in this respect, in the Sisterhood of States that has grown out of the original thirteen? Has she maintained her proud position as leader, or has she stood still in this march of events, and become a by-word among them?

It seems as if the preëminence which she once attained only serves to emphasize the depths to which she has now fallen, and the mere statement of her present condition shows clearly the imperative need of another constitutional convention.

The constitution of 1818 was adopted by a popular vote on the 5th day of October of that year, there being 13,918 votes in favor and 12,364 against it, and one week later Governor Wolcott issued a proclamation declaring that the constitution was henceforth to be observed by all persons as the supreme law of the state. During the next thirty years the wisdom of its adoption seemed to be justified by the universal satisfaction which it gave, and the eight amendments which were adopted during that period, although important, were only in the nature of perfecting and rounding out the instrument as a whole. In the decade between 1830 and 1840, however, serious inequalities regarding representation in the General Assembly began to be manifest, caused by the shifting of the population and the increase in some towns at the expense of others. At this time also a new factor appeared, which contributed very largely to render these inequalities more

striking, and which had a most powerful influence in determining the future character of the state as regards the distribution of its inhabitants.

As is well known, even in colonial days, Connecticut had been most prominent in the arts of invention, in manufactures and industrial development, but business enterprises had been carried on mainly by individuals or by firms. In 1837 the General Assembly passed the Joint Stock Act, which was framed by Mr. Theodore Hinsdale, a prominent manufacturer of the state at that time, and this was the beginning of the business corporation which has since been so universal, and has exerted such a tremendous influence in facilitating the development of all forms of commercial industry. The idea spread with great rapidity and has found expression on the statute books not only of the nation, and of all the states, but is also plainly manifest in the English Limited Liability Act of 1855. As a result of this law it is not too much to say that the rearrangement of the inhabitants, and the natural growth in population of the state, was given a greater impetus than can be credited to any other single cause. Then commenced the exodus from the farm to the factory; then also the development of the city at the expense of the town, and by the ensuing multiplication of manufacturing enterprises, many people from the other states, and from the old world, were led to take up their homes in the industrial centers of the commonwealth, in order to fill the largely increased demand for skilled labor, and to avail themselves of a greater income than could be obtained from tilling the farms. Then too was born the idea of injustice resulting from the unequal representation accorded to the different

towns; an idea which has grown stronger and more prevalent with each succeeding decade, as the inequality and resulting unfairness has grown correspondingly greater and more perceptible; an idea that has struggled during the ensuing sixty years for some sort of practical expression; a feeling that pervaded the plain-thinking people as well as the scholars and those versed in the science of government, that the state was drifting away from the most vital and important of all principles of democratic government—that of the absolute and complete equality of all men before the law. Contrasted with the constitutions of 1639 and of 1818, which provided in plain, unmistakable terms for practical equality of representation and power in managing the affairs of state, it appeared more clearly with each succeeding census that this equality had been destroyed; that, as regards representation, Connecticut was a government of the people only in name and an oligarchy in fact; that the minority in very many cases ruled the majority; that the state had outgrown the constitution as a child outgrows its clothes, and that there was great and pressing need of a radical readjustment of the system of representation, if it were desired to maintain the principles of popular government, and deal justly and fairly with all citizens.

For more than sixty years efforts in this direction, oft repeated, put forth under new circumstances and undoubtedly inspired by different motives, sometimes as a matter of principle and of abstract justice, sometimes as a question between the towns and the cities, and latterly as a party question, have been as frequently defeated for divers reasons. The movement

has gathered force with the passage of years and by reason of repeated defeats, but everyone who believes in the success and permanence of popular government, and in the ultimate victory of justice over injustice, knows that the change is bound to come. Just as after many years of fruitless effort the institution of slavery, which was equally repugnant to the same principle of equality of man before the law, which institution was defended on the grounds of justice, precedent, law and self-interest, was finally utterly abolished, and few can now be found who are willing to justify its existence or continuance.

A few men are still living, who remember when this question of changing the basis of representation first became a prominent issue, and a proposition was made in the General Assembly for calling a constitutional convention. Many years ago Judge Hamersley, who is now a member of the Supreme Court of Errors, was elected to the legislature upon this issue and became the leader of its advocates in the General Assembly, where he made an address upon this subject that is still remembered, and of which the following account is given by one who was there :

“It was a magnificent effort and his argument was irresistible. Not one on the other side of the question could meet the argument and there wasn’t a word said on that side. The representatives from the little towns just sat there and took it all in, and then when the question was submitted to the House for a vote, those in favor of constitutional reform numbered 25 or 35 perhaps. But a great shout of noes went up when those opposed to the proposed measure were called upon to vote. It was overwhelmingly defeated and Mr. Hamersley, and those who were interested in the movement, were thoroughly disgusted. Next day, or it may have been that same night, a

number of the men who had voted against the bill, met Mr. Hamersley in the corridor of the hotel where he was stopping, and they went up to him in a body and congratulated him upon the very able speech he had made for the measure. They assured him also that his argument was conclusive. 'Well, why didn't you vote for the bill if you believed my position was the right and just one?' asked Mr. Hamersley. Their answer to this question indicated, that they were not governed by their convictions but entirely by selfishness."

On the 29th of April, 1850, the *Hartford Courant*, then as now one of the leading papers, not only of the state but of all New England, published an editorial in favor of calling a constitutional convention, in order to correct the inequality of representation and other evils, resulting from the constitution of 1818, which has become a classic in the editorial history of the state, by reason of the power of its argument and the unanswerable justice of its position, and to which unusual attention has been called during the past few years, because of the fact that the *Courant* has entirely changed its attitude upon the question of representation, and is using the influence of its position and the well known ability of its editorial writers, to prevent the establishment of the reforms which it then so ably advocated. Since it is one of the strongest and best arguments, in favor of the rearrangement of the present system of representation, we have taken the liberty of citing a few extracts. Speaking of the constitutional convention of 1818, it says:

"The convention were unwilling to hazard the fate of their favorite and then necessary measures by the opposition of the small towns, if their unequal representation were taken from them; and they therefore suffered these relicts of feudalism, based originally upon the imperfect rights that were wrested from the nobles, to remain engrafted upon our constitution.

We think that no candid man, who views our system of representation rightly, and who is not prejudiced by the power which it improperly flings into the small towns, will continue to advocate its preservation, when they see the injustice and inequality of its nature, and its anti-republican tendency. . . .

The existing system in this State, IS A REPRESENTATION OF CORPORATIONS, not of the people. Each incorporated town, if such an act of incorporation were passed previously to the Revolution, is entitled to two representatives; if since that period, to one. No matter how large or how small these towns may be; no matter how many or how few inhabitants or voters, or taxable polls, there may be, the representation is the same. Hence, we are fully justified in the assertion that the House of Representatives in Connecticut are CORPORATION DELEGATES, and not representatives OF THE PEOPLE. Is this democratic? Are the rights of the people as such, secured by this form of government? Can the privileges of all classes of every description be regarded as safe, under a representation from Corporations instead of one direct from the people?

The inequality of this mode of choosing the lower house is very easily seen, and but few examples are necessary to exhibit it. At some future time, we stand prepared to state these examples at length, and to manifest clearly the great injustice done to some parts of the community, by allowing ourselves to be governed, through small corporations, or by a minority, whether of the inhabitants, or people, or voters."

A few years later, in 1855, interest again became intense upon this question, and the House of Representatives proposed a bill calling for a constitutional convention, which was not approved by the succeeding Assembly. Twelve years later, in 1867, the same effort was made with like lack of success. In the early seventies, after the results of the census of 1870 were known, the injustice of the system had become so glaring, that there was a movement in many parts of the state to accomplish the much needed reform. An

organization was accordingly formed, known as the Constitutional Reform Association. It was not then considered a party question and many of the leading members of both political parties were active members. Such men as the late Dr. Leonard Bacon, the late Nathaniel Wheeler, the Hon. Henry B. Harrison, were leading members of the Association, which did a great work in giving the people information upon the subject, held meetings throughout the state, and did everything possible to induce the legislature to call a constitutional convention. In all their efforts they had the sympathy of Gov. Ingersoll, who recommended in his annual message that a convention be called, and as a result, in 1873 and in 1875 a bill looking to that end was printed with the Session Laws by order of the Assembly, but, as before, the succeeding Assembly withheld its approval. In 1873 the Hon. Henry B. Harrison introduced a bill in the House of Representatives, submitting to the people the question of calling a constitutional convention. It was defeated by a vote of 140 to 69, an analysis of which shows that it was defeated by the action of the smaller towns. The three counties of Fairfield, Hartford and New Haven giving 52 votes in favor and 42 against the measure, whereas the five remaining counties of the state gave 98 votes against the measure and only 17 for it. In 1884 Mr. Harrison was chosen Governor by the General Assembly, after having received a minority of the votes cast by the people.

In 1891, again after the results of the census of 1890 had become generally known, interest in this perennial question again increased, and it was then made a party question by the action of the democratic state con-

vention declaring in favor of a constitutional convention, followed by the action of the Democratic State Committee, which adopted a new system of representation at its conventions, based upon population, and not, as had been the preceding custom of both parties, upon the existing representation in the legislature. In the following state elections the democratic party elected their candidate for Governor, the late Luzon B. Morris, and made gains in the legislature, which result was largely due, without doubt, to their position upon this question. The republican party at once perceiving that the people of the state were thoroughly aroused, and that a majority was unquestionably in favor of some action tending to remedy the patent inequalities and defects in the constitution, passed as a party measure, bills amending the constitution so as to correct two of its most unjust provisions, viz.: the law requiring the election of Governor by a majority of all the votes cast, and the law regarding the unequal and unjust apportionment of the Senate.

It was forced to do this by the outspoken criticisms of many of its leading members, and by the almost universal demand of the republican newspapers of the state, which stated publicly and emphatically that if some such action were not taken immediately, to satisfy the very evident wish of the people, that fairness and justice should prevail in future elections, the democrats would succeed in their demand for a constitutional convention, and with the aid of a majority of the people of the state, would adopt a new constitution giving the reforms above mentioned, and also reform in the present system of town representation, upon which, as is well known, the republican party

depends for a perpetual control of the House of Representatives, and a perpetual rule of the minority as against the majority in all matters within the power of the General Assembly.

In the interval between the passage of these bills and the next state convention of the republican party, as is well known, the panic of 1893 occurred, and the reaction against the party in power in national affairs set in, which resulted in the land slide, so called, at the annual election in 1894. Consequently, at the republican convention which met in New Haven in the summer of 1894, where the people had been led to expect the party would unqualifiedly indorse the proposed amendments of the preceding session of the legislature, and again promise their voters to favor them in the following legislature, so that they might be submitted to the people for ratification, the party managers confident of success, and feeling that there was no necessity for ratifying the action of the preceding year, cut out from the platform before it was adopted, resolutions of approval which had been submitted by leading members of their own party, who believed in the amendments from principle, and also believed in preserving their good faith toward the people, and those amendments have since been known in the political history of the state as "the lost amendments." At the succeeding election the republican party had a majority of both branches of the legislature, and after attempting in many ways to avoid the issue of a direct vote upon these two amendments, but failing therein on account of the sincerity and conscientious scruples of some of their own representatives, the managers were finally compelled to let the

question come to a direct vote, and as a party measure, under the party lash, and contrary to the vote of many of the ablest and best republican representatives, succeeded in defeating both amendments, leaving the party thereby exposed to serious charges of repudiation and lack of good faith toward the people of the state.

It is deeply to be regretted that the question has become a party measure, but such is the fact, and at the present time the democrats are insisting upon it as their greatest state issue.

Four times has the House of Representatives proposed the calling of a constitutional convention,—in 1848, in 1849, 1855 and in 1867, and every time the next assembly has failed to approve its action by a two-thirds vote of each house as required by the Constitution. These attempts by no means represent the number of efforts that have been made in that direction, because the advocates of the reform, seeing that it was extremely difficult to get two successive legislatures to look upon the question the same way, adopted a new plan, viz.: that of bringing it forward as a bill for a public act, which provided that the people should vote directly upon the question of a constitutional convention.

CHAPTER II

UNEQUAL REPRESENTATION

THE most notable defect in the present constitution, and the one that is most at variance with the principles of popular government, is the method of electoral representation therein provided. Originally this method was based upon a system which the State has long since outgrown, leaving it without any support in reason, justice or common sense. Connecticut is now the only State in the Union that does not endeavor or profess to provide for equal representation. She is the only State where the system of representation is not based upon any principle whatever; neither upon property, territory nor population, but like Topsy in Uncle Tom's Cabin has simply "grewed." A system that was framed to suit the conditions of eighty years ago, when the population of the towns was more nearly equal, before large cities existed, and before the migration from the rural districts to the manufacturing centers had commenced; although fair and equitable then, to-day necessarily works great injustice. Connecticut is the only State where 15 per cent. of the population can elect a majority of the representatives to the legislature, and thus negative the action of the representatives of 85 per cent. of the population. This is a virtual denial of home rule, and the inhabitants of the cities and large towns of Connecticut might as well live in Ireland, so far as self-government is concerned.

The representation of the towns in the legislature, given by the constitution of 1818 was substantially fair and just to all sections of the State, according to the distribution of population at that time. The original constitution of 1639 plainly provided for equal representation in these words: "Deputyes" sent to the "Generall Courte" should be a "reasonable proportion to the number of freemen that are in the said townes."

This provision referred to towns that should be added to the original three, Hartford, Wethersfield and Windsor, each of which was allowed to send four "deputyes."

This rule of equal representation was changed by King Charles II. in his charter of April 28, 1662, wherein it was provided that the people of Connecticut should send "not to exceed two" deputies from any one place, town or city, to the General Assembly. The convention of 1818 being principally occupied with the great struggle over religious toleration, paid little attention to the question of town representation, because at that time the migration from the towns to the cities had not begun, and the relative populations of the different towns did not vary to any great extent. Not long after, owing to the growth of manufacturing and the change of population, great changes in population began to appear, until some time later Bridgeport, a new town, had only one representative for its population exceeding 20,000, and many towns having less than 2,000 population had two representatives. The question of town representation not having then become a party question, the result was that in 1874 a constitutional amendment was adopted, pro-

viding that every town having a population of 5,000 should have two representatives, and in 1876 another amendment was adopted, providing that no new town incorporated thereafter should have any representation as a town, unless it contained a population of 2,500. By these actions the people of the State acknowledged the principle that population should be regarded as the basis of representation.

At the time of the adoption of the present constitution in 1818, Connecticut was made up entirely of country towns and the difference in population was comparatively unimportant. By the census of 1820 it appears that there were then altogether 122 towns in the State, of which only nine had a population exceeding 4,000, and the largest of these had only 8,327 inhabitants. There were eleven towns with less than 1,000 people, and the smallest of these had 731. The remaining 104 towns had not less than 1,000, nor more than 4,000 people. By comparing these figures with those given by the census of 1890, we find there were twenty towns with less than 600 inhabitants and three with over 48,000 each (Appendix, p. 136), and of the forty-three towns which by the census of 1890 had a population of less than 1,000 each, thirty-eight show a decrease since 1880, the total decreases from them in the aggregate being 4,592. The total increase in population of the State between 1880 and 1890 is shown to be 123,558, and of this increase 106,203 was in the towns having a population of over 10,000 each, none of which have been allowed any increase in representation. Therefore this increase of over 100,000 population in the State in the ten years intervening between 1880 and 1890, has no additional representation whatever.

The rule that no town shall have more than two representatives gives rise to some curious anomalies, as is shown by the following list of towns with their population in 1890.

New Haven	86,045
Hartford	53,230
Bridgeport	48,866
Hartland	565
Killingworth	582
Union	431

Each of these towns is entitled to send just two representatives to the General Assembly, that is, the 431 people in the town of Union have the same voting powers in the legislature as the 86,045 people in New Haven.

The three cities first above named, containing more than one-fourth the population of the entire State, together can elect six representatives out of a total of 252.

In this connection we quote from an argument made by the late Henry C. Robinson, before the judiciary committee of the legislature, in behalf of constitutional reform:

"Take two towns a few miles to the east of us for example, Andover and Bolton. Andover cast 117 votes at the late Presidential election and Bolton 125 votes. In the same election New Haven cast 17,827 votes and Hartford 11,321. Now the self-government of Andover and of Bolton is as sacred as the self-government of Hartford and New Haven. They can establish their own schools, care for their own poor, make their own roads, lay their own taxes and manage their family matter to their own satisfaction, subject only to the common laws of good order and civilization. But I beg to inquire if any man, who really believes in government by the people,

can assign any reason why our good friend, the citizen of Andover, shall have 100 times the power in legislation for the commonwealth, that a citizen of Hartford has. Has the citizen of Andover 100 times the interest in taxation, education and commerce, that the Hartford citizen has? Has he 100 times the interest that each of these Hartford people, whom I see in the room, had in the recent choice of a United States senator? And when we remember that our Andover friend has 150 times the political power, so far as the house of representatives is concerned, in making a legislature, which is the most powerful and important branch of the sovereignty and the one closest to the people, that a citizen of New Haven has, if any man is simple enough to suppose that such a state of things would receive the benediction of Thomas Hooker and John Davenport, or the approval of Roger Ludlow and John Winthrop, or of later Oliver Wolcott and Zephaniah Swift, he has drunk little at the fountains of Connecticut constitutional democracy."

The following table was compiled and published by the Hartford *Times*:

Town.	No. of Representatives.	Vote in Nov. 1890.	No. of voters represented by each representative.
New Haven	2	15,309	7,654
Union	2	96	48
Hartford	2	9,872	4,936
Hartland	2	135	67
Bridgeport	2	7,944	3,972
Redding	2	301	150
Norwich	2	4,194	2,097
Lyme	2	193	96
Middletown	2	2,379	1,189
Killingworth	2	123	61

Dividing the towns into four groups for purposes of showing the contrast between population and representation in the lower House, we get these figures:

Group.	Towns.	Representatives.	Population.
1	3	6	188,141
2	10	19	188,785
3	37	54	185,744
4	118	173	183,724
	168	252	746,394

Here we find 173 representatives for 183,724 persons in group 4 and *only six* representatives for 188,141 persons in three of the large towns.

Here are some further comparisons between small and large towns:

Number of voters.	158 small towns.	Ten towns, embracing cities.
November, 1890	76,729	58,526
Number of representatives	232	20
No. of voters to each..	330	2,926
Grand list	\$174,000,000	\$179,000,000
Amount of property represented by each member	\$756,000	\$8,950,000

In one of the smallest towns of the State, which has the power to send two representatives to the legislature, it is stated with more truth than humor that every man in the town has run for the legislature once, and they are now on the second lap.

In the State Senate this inequality is just as striking and is emphasized by the fact that it is contrary to the spirit of the constitution, which provides in Article II of the amendments relating to the apportionment of senatorial districts, that regard shall be had to the population in making said apportionment.

The following table giving the present apportionment, which was made in 1881, shows the numerical representation in the so-called popular branch of the General Assembly.

Counties.	Population in 1890.	Population in 1880.	No. of senators.	Ratio of popu- lation in 1880. (1 for)
Fairfield	150,081	112,042	4	28,011
Hartford	147,180	125,382	4	31,346
Litchfield	53,542	52,044	3	17,348
Middlesex	39,524	35,587	2	17,795
New Haven ..	209,058	156,523	4	39,131
New London..	76,634	73,152	3	24,384
Tolland	25,081	24,115	2	12,057
Windham	45,158	43,855	2	21,928
Whole State ..	746,258	622,700	24	25,946

It will be seen that when this apportionment was made Tolland County had one senator for every 12,000 people, while New Haven County had one for every 39,000, and the city of New Haven one for every 62,000.

The truth is that the provision requiring each County to have at least two senators effectually prevents any possibility of complete equality of representation under the present distribution of population in the several counties of the State. By the foregoing table for instance, it appears that New Haven County, with more than one-quarter of the population of the State, elects but one-sixth of the senate, while Tolland County, with one-thirtieth of the population of the State, elects one-twelfth of the senate. This inequality and its resulting injustice has been freely admitted by many prominent citizens, regardless of party, and severely criticized by all the democratic and independent papers of the State, and also by a majority of the leading republican journals.

When we come to consider how the State of Connecticut has complied with the constitution and the laws of the United States, relative to the apportion-

ment of congressional districts, we are confronted with a condition of affairs that is at once astounding and humiliating; with another proof that the government of Connecticut, of all the States in the Union, is farthest removed from popular government; that its representation in the National Congress is the most inequitable and the least in accordance with the principles upon which the government of the United States was founded. The law of Congress relating to the apportionment of congressional districts in the States is as follows:

"In each state entitled under this apportionment to more than one representative, the number to which such state may be entitled in the 43rd and each subsequent congress, shall be elected by districts composed of contiguous territory and containing as nearly as practicable an equal number of inhabitants."

Until 1837 representatives were elected in Connecticut by the people at large. The last time the State was redistricted was in 1842, and this was in accordance with the census of 1840. At that time the population of the several congressional districts was as follows:

First	63,609
Second	73,498
Third	72,548
Fourth	90,365

At present, under the census of 1890 the population of the same districts is as follows:

First	172,261
Second	248,582
Third	121,792
Fourth	203,623

The following is a list of the States which show the greatest difference between the most and the least populous congressional districts, arranged in the order of this difference :

Connecticut	126,790
South Carolina	82,143
Mississippi	81,300
Louisiana	62,760
Maryland	54,253
Iowa	49,750
Virginia	41,931

Connecticut, therefore, shows the greatest discrepancy in the size of its districts of any State in the Union, and is remarkable in having one district that contains more than twice as many inhabitants as another contiguous district. This is not a distinction of which the people of the State can be proud, and is a fact that is little known and appreciated by them.

Why this is so, and why no change has been made since the census of 1840, is a question which must be left to the politicians to answer. The people of the State believe in popular government and in fair play, and if they were permitted to vote upon this question would, regardless of party lines, insist upon justice being done.

During the past twenty years there have been ten state elections, at six of which the democrats have polled more votes than the republicans for the state ticket. In all this period, however, the legislature has been overwhelmingly republican on joint ballot, and has therefore retained control of legislation and the power to elect United States senators even when the democrats succeeded in seating their candidate for governor.

These facts clearly show that the existing political condition of Connecticut as regards representation, is a gigantic gerrymander.

In 1888 the electors of the town of Ridgefield, one of the small towns having two representatives, in public meeting assembled, called the attention of the voters of Connecticut to the system of constitutional law under which they lived and urged upon all citizens irrespective of party, their conviction that such a system was anti-republican and opposed to the genius of American institutions. This address, which attracted much attention and was published far and wide, among other things stated:

"At present representation in the legislature bears no relation whatever to the towns or districts to which representatives and senators are allotted. That is, the people are not represented, but only the territorial circumscription; so that representatives of a small minority of the people may, and do, make laws which govern the inhabitants of the whole state, regardless of the silent protest of the majority, which has had no vote in their enactment. Again, in case no candidates for executive office receive a majority of all the votes cast at a general election, the legislature by the joint action of House and Senate, has power to force upon the people a Governor and State Officers who have received a minority of the votes so cast. Once more it is the legislature thus constituted which elects United States senators, so that in the general government, as in their own state, the majority of the people of Connecticut are unrepresented, or rather misrepresented. The reform of these abuses should not be made a party question; it is a question of right, it appeals to the sense of justice, and it concerns equally the whole people. . . . But in order to change the present system action is necessary, and men of all parties should act together. Our most populous towns and cities which are at present so unfairly represented in the legislature, are the homes of possibly the majority

of the mechanics, artisans and laboring men of the state. They have been and are still asking for legislation which they believe will better their condition; but such legislation it would seem that they cannot obtain under the existing system, for the reason that no matter how numerically strong they may be, not more than two representatives are allowed to each town. And they would need to carry 63 towns of 2 representatives each, and 13 senatorial districts, at the same election to obtain a majority to advocate their interests. It is plain that if representation were based upon numbers, they would be far more favorably situated. It is not, however in the interest of any class, but in the interest of justice and of the welfare of the people of the whole state, that we urge this reform."

President Cyrus Northrup, in an address before the Yale Law School, referring to the present iniquitous system of representation in Connecticut, said:

"The gerrymander is the deadliest assassin's stab aimed at the heart of justice, that has ever been devised. It is the most gigantic of all grand larceny,—the larceny of a people's rights. No matter where it exists, or when or how it began, no matter whether it is venerable with antiquity and free from original taint of injustice, as in Connecticut, or whether it be fresh in its infamy, as in states where it has been brought,—let it by all means be swept out of existence everywhere and be buried in an eternal grave. This nation can live and prosper only by justice."

The Hon. Alfred E. Burr, the venerable editor of the *Hartford Times*, a few years before his death said publicly:

"We are a by-word and a disgrace in every part of the country to-day on account of the inequality and the injustice of our state constitution."

Although these inequalities, shown by the above figures, must seem unjust, the actual facts of the case

are far worse because of the great changes in population during the last twenty years, in which the cities have increased largely in population and the towns have either decreased or remained stationary.

Popular government in Connecticut is a sham. It does not exist either in the choice of governor nor in the choice of United States senators, nor of congressmen, nor in representatives or senators to the General Assembly. The minority rules the majority and has done so, with a few exceptions, for more than a generation. It is a live oligarchy masquerading under the name of popular sovereignty; it is despotism pure and simple, in accordance with the definition given by ex-Speaker Reed when he said, "despotism was never anything more than the rule of the few over the many."

Under the present constitution the towns of Connecticut do not stand on a par one with another in the legislature with reference to representation. Some towns have two representatives, while others with a much larger population have but one, showing that the present apportionment is arbitrary and not based upon any principle whatever. This being so, the plan to give the larger towns increased representation in accordance with their population, without taking from any town its present right to send one or two representatives to the legislature, in no manner detracts from the position, power and dignity of any single town, and is in no true sense to be considered an attack upon the general system whose best friends desire to maintain it in all its pristine vigor and perfection, but who are opposed to having it made an excuse for sustaining and maintaining such a travesty

upon popular government as the present town system in Connecticut has in the course of the last seventy-five years become.

The remedy is plain, and in full accord with the political history and traditions of the State, and in no way looks toward the abandonment of the idea of town representation. The true friends of that principle are only desirous that the system shall be brought back to its starting point and made to accord with the views of the framers of the constitution of 1639. What they desire is that it shall be a system based upon present conditions, upon reason and justice, in order that an outraged community may not at some future time, smarting under the absurdity and wrongfulness of the present system, arise in its might and abolish it altogether.

CHAPTER III

ARGUMENTS IN FAVOR OF PRESENT SYSTEM

A FAVORITE argument in support of unequal representation in the legislature is that in the State of Connecticut the town, and not the individual, is the political unit; that the present system of town representation is as just as the equal representation of the large and small States in the United States Senate, and that it was the intention of the framers of our constitution to make the town, and not the individual, the unit of representation, disregarding thereby the great inequalities of population; but a careful investigation will show that this argument is without historical basis and entirely fallacious.

That this claim is without foundation and that such a principle was never adopted, is clearly shown by the amendments to the constitution of 1818, which have been passed at different times whenever the injustice and inequality in any particular case became so rank as to require immediate attention. In 1874 these inequalities had become so glaring and outrageous that a constitutional amendment was adopted, providing that every town having a population of 5,000 shall be entitled to two representatives; and in 1876 another amendment provided that any new town incorporated after that date should have no representation as a town unless it contained a population of 2,500, but should in that case go back and vote with the old town.

It is plain, therefore, that these two amendments utterly destroy the claim that town representation was

intended to be similar to State representation in the United States Senate without any regard to population, for these amendments acknowledged the principle that population should be regarded as the basis of representation. The very fact that the number of representatives from different towns has varied from one to four, proves that such was not the intention, because the essence of the theory of State representation in the United States Senate is that it shall be equal regardless of size or population.

States are sovereign as to certain of their powers, and can properly be units of representation; the towns are not sovereign and therefore cannot be political units. Towns have been and can be sliced up by the legislature and their representation can be changed. Some towns have been denied by the State any representation at all, as was provided for in the amendment passed in 1876, and as was done in many cases referred to in the following chapter where towns sent no deputies to the General Assembly during the time that they were relieved from paying the colonial taxes.

Another historical fact tends more effectively than anything else, to demolish the argument that the present system of town representation is to be considered a parallel case to the system of State representation in the United States Senate. Many towns which formerly had two representatives have been carved up into smaller towns, each one of which sends one or more representatives to the legislature. But all are comprised within the original territory of the old one.

The only other argument that is advanced by the friends of the present system of representation, is that

it was the intention of the framers of the Connecticut constitution that the house of representatives should represent the towns and not individuals, whereas the senate was intended to be the popular branch of the legislature, representing directly the people. The only answer necessary to this argument, is that the assumptions contained in it as to the intentions of the founders of our government are not true, as can be clearly shown by a little investigation.

The preamble to the fundamental articles of 1639 reads as follows:

"We the inhabitants and residents of Windsor, Hartford and Wethersfield are now cohabiting and dwelling in and upon the river of Connecticut and the lands thereunto adjoining, and well knowing where a people are gathered together, the word of God requires that to maintain the peace and union of such a people, there should be an orderly and decent government established according to God to order and dispose of the affairs of the people at all seasons as occasion shall require; do therefore associate and conjoin ourselves to be one Public state or Commonwealth, and do for ourselves and our successors and such as shall be adjoined to us at any time hereafter, enter in combination and confederation together to preserve the purity of the Gospel, the discipline of the Churches, and to be guided in civil affairs according to the orders laid down in the succeeding eleven articles."

The preamble of the constitution of 1818 acknowledges the sovereignty of the people in the following words:

"The people of Connecticut, acknowledging with gratitude the good providence of God in having permitted them to enjoy a free government, do, in order more effectually to define, secure and perpetuate the liberties, rights, and privileges which they have derived from their ancestors, hereby, after a careful consideration and revision, ordain and establish the following Constitution and form of civil government."

In the case of Webster versus Harwinton, 32d Connecticut Reports, page 137, decided 1864, the Supreme Court of the State settled the law upon this question, in an opinion which says, referring to the constitution :

"That extraordinary instrument purports on its face to be the work of the people, the residents and inhabitants, the free planters themselves, of the three towns. It recognizes the towns as existing municipalities, but not as corporate or independent, and makes no reservation expressly or impliedly, of property or of legislative power, in their favor."

See also *State vs Fyler*, 48 Conn., 145, and *Turney vs Bridgeport*, 55 Conn., 412.

It therefore appears that the theory that the original constitution of Connecticut was a federation of the towns instead of being the act of the people of the State in their collective capacity, is not supported by the fundamental orders of 1639, nor by the constitution of 1818, and has been expressly repudiated by the Supreme Court of the State.

As showing the falsity of the claim that the senate is, and was intended to be, the popular branch of the legislature, representing directly the people, we have only to refer to the first two amendments to the constitution adopted November, 1828, which provide :

ARTICLE FIRST.

"The Senate of this state shall consist of not less than 18 nor more than 24 in numbers, to be chosen by districts."

ARTICLE SECOND.

"The General Assembly . . . shall divide the State into districts for the choice of Senators and shall determine what numbers shall be elected in each, which districts shall not be less than 8 nor more than 24 in number and shall always

be composed of contiguous territory and in forming them no towns shall be divided nor shall the whole or a part of one County be joined to the whole or a part of another County to form a district; *regard being had to the population in said apportionment and in said districts* in such manner that no County shall have less than two Senators. The districts when established shall continue the same until the session of the General Assembly next after the completion of the next census of the United States . . .” Italics are ours.

As will be seen, it is a hollow mockery to claim that any popular representation in the senate can be obtained under the present conditions of population in the State of Connecticut. Under the provisions contained in these two amendments in 1828 the law was susceptible of a fair construction because there were no large cities at that time and the several counties did not differ greatly in population. But at present it is utterly impossible to comply with the law and at the same time provide for anything like a fair or equitable representation of the people.

First—Since town boundaries may not be broken in making senatorial districts, no town can have more than one senator, no matter how great may be its population.

Second—Since each county must have at least two senators, a popular apportionment is impossible, since there are already three or four counties in the State lacking sufficient population to entitle them to more than one.

History shows that it never was intended to make the senate the popular body; on the contrary it is plain that it was patterned after the United States Senate.

The simple truth is that our forefathers who framed this constitution did not foresee the great change in social and economic conditions, resulting from the movement of population from the towns to the cities, and naturally did not provide for such changes, leaving it to future generations of law-makers to do as they were doing at that time, to frame a new constitution whenever justice and the exigencies of time should demand it.

CHAPTER IV

PLURALITY ELECTIONS

THE constitution of 1639 provided unequivocally for plurality elections of State officers, in the following words: "He that hath the greatest number (plurality) of papers (votes) shall be governor for that year." This was slightly modified by the King Charles Charter of 1662, wherein we find the words, "greater part" of the voters, referring to the election of Colonial officers and of deputies. In 1742 the general assembly passed a statute providing that in case there was no election of Colonial officers by a majority of the popular vote, the legislature should then elect them, and this action seems to be the origin of our present majority rule, having been re-affirmed in the constitution of 1818.

In Section II, Article 4, of the constitution, relating to the election of State officers, is the following provision:

"If no person shall have a majority of the whole number of said votes, or if two or more shall have an equal and the greatest number of said votes, then said Assembly on the second day of their session, by joint ballot of both houses, shall proceed without debate, to choose a Governor from a list of the names of the two persons having the greatest number of votes, or of the names of the persons having an equal and highest number of votes so returned as aforesaid."

The result of this provision has been that time and time again, a man has been chosen governor by the legislature, who at the popular election received less

votes than his opponent, and in 1890 it was the direct cause of the disgraceful deadlock in the legislature, whereby the rightfully elected candidate for governor, who had received a clear majority of all the votes cast, was prevented from taking the office.

Connecticut and one or two others are the only States in the Union which adhere to this old requirement that candidates for state offices must receive a majority of all the votes cast, instead of a plurality. That this rule is right, few have the temerity to assert. It has been abolished with reference to all other offices, state and national, and the only reason that it is retained is that, in connection with the system of legislative misrepresentation, one party is enabled to hold on to an unfair advantage over the other.

Year after year one party has gone on casting more votes for its candidate for governor than the other, and year after year a legislature, controlled by the party which polled the smaller number of votes, made up principally from towns which do not represent half of the state population, has elected and installed its candidate upon the state ticket, because in order to have an election by the people it is necessary that one party should have, not the highest number of votes cast, but a majority over the aggregate of all votes cast by the different parties. How long the State will continue to suffer under this system of misrepresentation is for the individual voter to determine. Many of the public men and some of the leading papers in the State, irrespective of party, have expressed themselves in favor of righting this grievous wrong.

If we examine the history of the State for the past twenty years, we find the practical working of this rule has been as follows:

	Vote for Governor.		Officers seated.	Legislature.	
	Dem.	Rep.		Senate.	House.
1880	64,293	67,070	Rep.	Rep.	Rep.
1882	59,014	54,853	Dem.	Rep.	Rep.
1884	67,910	66,274	Rep.	Rep.	Rep.
1886	58,818	56,920	Rep.	Rep.	Rep.
1888	75,074	73,659	Rep.	Rep.	Rep.
1890	67,658	63,975	Rep.	Dem.	Rep.
1892	82,787	76,745	Dem.	Tie	Rep.
1894	66,287	83,975	Rep.	Rep.	Rep.
1896	56,524	108,807	Rep.	Rep.	Rep.
1898	64,227	81,015	Rep.	Rep.	Rep.

During this period of twenty years, including ten general elections, the elections of governor by the people were only six, viz.:

1880.....	Bigelow	(Rep.)
1882.....	Waller	(Dem.)
1892.....	Morris	(Dem.)
1894.....	Coffin	(Rep.)
1896.....	Cooke	(Rep.)
1898.....	Lounsbury	(Rep.)

Whereas the figures show, in the years 1884, 1886, 1888 and 1890 the democratic candidate had a plurality over the republican ranging from over 1,000 to over 3,000 votes, but in every case, either by the action or the non-action of the legislature, the democrats were deprived of the office.

Concerning this antiquated provision of the State constitution and the injustice of its work, the late Gov. Morris, in his message to the general assembly in January, 1893, expressed the following views:

"If we are to retain popular government in Connecticut the constitution should be so changed that the votes of the people, as cast on election day, should have their full effect. It is seldom that the executive officers of this State are those who have received a plurality of the people's votes. In forty of the forty-four States of the Union a plurality vote elects the State officers. In every State admitted into the Union during the present century a plurality vote elects. In this State the plurality vote elects the Presidential elector, members of Congress, State Senators and Representatives, Sheriffs, and Judges of Probate. No good reason can be shown why the executive officers of the State should not be elected by a plurality vote. In no other way can the votes of the people be given their full effect. The law as it is habitually works injustice, and a law that habitually works injustice cannot be respected. It may be obeyed because it is a law, but the whole moral effect of the law is lost when it cannot be respected as well as obeyed."

More than 700 other officers in the State are elected by the plurality rule, the only exception being in the case of State officers, and it is impossible to give any valid reason why the same rule should not apply to them. It is fortunate that although some of the partizan leaders have endeavored to make this a party question, they have not succeeded, because nearly all of the republican papers of the State have refused to regard it as such and are strenuous and outspoken in their advocacy of a change. The same may be said of many of the most prominent and influential members of the party.

In order to show most clearly that the position taken upon this question is by no means partizan, an editorial is reproduced from the *Ansonia Sentinel*, one of the leading republican journals of the State, and one that does not hesitate forcibly and freely to express

its views of right and wrong, regardless of their effect upon the party:

"It is a pity. The party which goes before the people making distinct pledges of reforming the Constitution, and then deliberately refuses to keep its word, forfeits the confidence of the people, causes disgust and deserves reprobation. We have read no tenable arguments against the plurality election measure; we have read hundreds of solid truths uttered for it. We cannot see why the same principle applied to Congressmen, Senators, and Representatives, Town and City Officers, isn't good for State Officers. Why the distinction? It is a relic of old times which ought to be swept off the statute books. Connecticut, we believe, stands alone in this respect. Connecticut has always been in the front rank in moral reform. Why should we go back to the rear rank in this matter? It is a monstrous wrong and though the legislature refuses to right it, the people will see that it is done sooner or later."

Several arguments are advanced in favor of the majority rule as it has existed in the State since 1742.

The first is hardly worthy of notice, being a mere quibble, a tricky play upon words calculated to reach the unthinking, but is mentioned here because it is often heard in political harangues and partizan editorials. It is that since this is a government of the people, the majority should rule and therefore the majority rule is right. A very plausible statement indeed, but one which will not stand the test of practical application. Rightly understood and properly construed, no one disputes its correctness, but at an election where there are at least four parties in the field, supporting four distinct tickets, it is frequently the case that no one receives a majority of all the votes cast, and then the question arises, what is the fair and

proper course to pursue,—what course will be most in accordance with democratic principles, and will tend to do justice to the greatest number of people in the State.

Three courses are open :

First—To call a new election and, if necessary, keep on having new elections until some one of the four tickets receives a majority of all the votes cast. This plan, as will be readily seen, is practically impossible in any popular election, for the reason that it might continue indefinitely.

The second plan is the one provided by the constitution, whereby the choice of officers voted for is taken from the people and relegated to some other body, which may or may not represent the wishes of a majority of the electors entitled to vote, and which may, as has been the case so often in Connecticut, elect a candidate who did not poll nearly as many votes as one of his opponents.

The third method, and the one that is almost universally employed, and which affords the only just and fair solution of the difficulty, is the application of the plurality rule: that is, let the candidate be declared elected who has received the most votes, even if all the other parties together may have cast a greater number of votes. Only in this way can justice be done to the greatest number of people, and only in this way is the problem solved in accordance with the spirit of the general principle that the majority should rule.

Another argument advanced in behalf of the majority rule is that it should be maintained because it has been the rule of the State for more than 150 years. An argument which does not deserve an

answer, its very statement being sufficient to show its lack of reason and strength. The fact may be here mentioned, however, that in the constitution of 1639, the plurality rule was established and was the law of the State for 100 years, and no good reason has ever been adduced for making the change.

The last reason advanced, is that this is the same principle which prevails in the choice of President and Vice-President by the electoral college, where the constitution provides that in case no person have a majority, the election shall devolve upon the House of Representatives.

Upon reflection it must be observed that there is a great and vital distinction between the two cases, and that they are by no means on a parity. It was not the intention of the framers of the federal constitution that the choice of President should be made directly by the people, as individuals, or that the popular majority should of itself elect a President, the provision for the machinery of the electoral college being inserted in order to maintain the balance of power between the large and the small States.

That this position is correct is clearly shown by the fact that in providing for the election of congressmen and presidential electors, the constitution adheres to the plurality principle.

CHAPTER V

LEGISLATURE HAS TOO MUCH POWER

HAVING in the preceding chapters considered two defects of the constitution which are most widely known, we now come to others which are not so frequently mentioned, and which, fortunately, have not been dragged into the arena of partizan politics. These have arisen since the formation of the constitution, because the instrument in many of its minor provisions is no longer fitted to present conditions, and by reason of their insidious character are possibly more potent for evil than any of those already discussed. They are defects which arise from a lack of the proper coördination of the powers of government.

In its present working the constitution of 1818 reminds one of an oligarchy instead of a republic, in that the legislative branch of the government has an undue amount of control over the executive and judicial branches, to an extent that is not seen in the constitution of any other State in the Union, or in the federal constitution, and this arises simply from the fact that the State has neglected to revise its constitution in accordance with the changed condition of affairs, and still retains provisions that were proper in 1818, but which are now sources of evil.

Article II of the constitution says, "The powers of government shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit: those which are legislative, to one; those

which are executive, to another; and those which are judicial, to another."

In spite of this distinct division of governmental powers, the authority of the legislature has always been practically paramount, and in many ways has it infringed upon the powers that would seem naturally to belong to one of the other two departments, and the legality of this course has been justified by the decisions of the Supreme Court in the case of *Starr vs. Pease*, 8th State Reports, 547, and *Wheeler's Appeal*, 45 Connecticut Reports, 315, in which latter case it is decided that whatever the legislature does is within its power if "not against natural justice or the national constitution, and it does not appear affirmatively and expressly that there is some provision in the constitution forbidding it."

The power in the legislature to interfere with questions properly arising under the other departments of the government, has only resulted in weakening the executive and judicial branches and at times has produced consequences that were fraught with evil to the State, without being in any way a protection to the rights of the people or an advantage to the legislature itself. The exercise of these unusual powers by the law-makers has oftentimes occupied their attention to the exclusion of their more proper function as law-makers, and has given rise to charges of deals and improper influences that have tarnished the fair name of the State. The only political scandals in Connecticut have been in connection with the legislature; the executive and the judicial departments having been singularly free even from the suspicion of wrong doing.

When we say that the legislature has too much power, we refer to the power that has been taken by the existing constitution from the executive, which means the power chosen by the people to execute the laws, or from the judicial, which means the bulwark of protection to the people against the encroachments of injustice by the legislature or the executive.

The tendency seems to be to merge all the powers of government into the legislature. In the preceding chapter we have alluded to the fact that in certain contingencies the legislature has the power to choose the executive. The election of the judges of the inferior courts by the legislature, as is now the practice, is always certain to be productive of deals and to lead to the use of improper arguments or influences, and necessarily to the election of an inferior class of men to fill judicial positions. Most publicists are agreed that judges should be chosen either by the executive, subject only to confirmation by the legislature, or should be elected directly by the people, and that in these ways only can the purity and ability of the bench be properly guarded.

Even in the case of the judges of the Supreme and Superior Courts, who are appointed by the executive, subject to the will of the legislature, the executive has no power even to fill a vacancy in these courts temporarily, pending the meeting of the legislature, and it will be remembered that on account of the deadlock in the legislature of 1891, a vacancy existed for more than a year on the Superior Court bench at a time when the interests of the State urgently required that it should be filled, because the legislature refused to consider that or any other business.

The power given to the legislature to elect County Commissioners is a power that in no way relates to the legislative department of the government, but should be exercised either by the executive, or preferably, by the direct vote of the people. The scandal and corruption arising from the exercise of this power has often been a disgrace to the State, and is referred to in detail in Chapter IX.

The duties of the County Commissioners are clearly of an executive nature. Their authority is vast and far-reaching in its effects, including among others the power to pardon criminals, to regulate licenses and to appoint prosecuting attorneys for the enforcement of the liquor law. The office can be used to build up a great political machine, and for that reason, although the salary is small and the distinction is not regarded as especially great, the position of County Commissioner is much desired by the party managers.

Elected as they are by the legislature, at the bidding of a caucus of the members from each county belonging to the party in power, they are in reality responsible to no one for their official action and no one can be held responsible for them.

Authority and responsibility ought always to go together, and every executive officer should be elected by the people, to whom he would be directly responsible, or appointed by some one who is solely responsible for the appointment and who is accountable to the people. The election by the legislature entirely eliminates the question of responsibility from the equation.

The power to grant special charters for public or private corporations for which the State of Connecticut is noted, not to say notorious, is, from the very nature

of the case, a corruption-breeding power, and in most of the States is prohibited by the constitution, and its place is taken by general incorporation acts under which the citizen can proceed without going to the legislature and under which all have the same rights.

Why should not all the railroad corporations, all the insurance companies, all the municipalities and all the many stock companies in the State now organized or to be formed in the future, be subject to uniform laws which would provide for all reasonable business contingencies? Why should it be necessary to employ the lobby in case a corporation desires to change its name or to enlarge its business? Why should men, desirous of organizing a social club or a manufacturing corporation, be compelled to procure political influence in order to get from the State the requisite charter? Why should not the legislature itself desire to be relieved of a questionable power, which necessarily leads to favoritism in its treatment of corporations of the State, and which leaves every legislator open to the charge of improper influence?

That such a power is not necessary to protect the State as to the corporations that may be chartered, is shown by the results of the general incorporation laws in New York, Massachusetts and New Jersey, whose corporation charters are regarded with the highest favor in the financial world. That such a power is not strictly legislative is self-evident and that it is productive of favoritism and corruption, let any man who doubts apply for a charter.

CHAPTER VI

EXECUTIVE HAS TOO LITTLE POWER

JUST as the proper coördination of power between the three departments of government is destroyed by giving too much to the legislature, the evil is correspondingly increased by giving too little to the executive branch of the government.

The so-called veto power of the Governor in Connecticut amounts to nothing more than giving him an opportunity to express his opinions to the legislature regarding any bill to which he cannot give his official sanction, for the general assembly, after receiving a veto message, can make the bill a law by a simple majority vote. A moment's reflection suffices to show that this gives the executive no real veto power and but slight influence in the passage of laws; no check upon hasty, irresponsible or unwise legislation, and that although he has the veto power in name, it amounts to nothing as a matter of fact. Most of the States in the Union give the executive a real veto power, requiring, in order to pass a bill over his veto, that more than a majority must vote in its favor. This is also the case in the National legislature.

Speaking of the importance of the veto power, in the debates upon this subject at the time of the framing of the federal constitution, Benjamin Franklin said:

"A single man may be afraid or ashamed of doing injustice; a body is never either one or the other, if it is strong enough. It cannot apprehend assassina-

tion, and by dividing the shame among them, it is so little apiece that no one minds it."

And more than one hundred years later the late Alex. Johnston, the eminent Connecticut historian and Professor of Jurisprudence, approving of the workings of the rule requiring a two-thirds vote of the legislature in order to pass any bill over the objection of the executive, wrote as follows:

"The American veto system seems to have struck the safest middle line, and attempts to modify it elsewhere have generally proven injurious."

With the law as it stands at present, the people of Connecticut do not dignify their executive by giving him any real power either positive or negative over legislation. His signature to the law is merely perfunctory, but by no means necessary, and in this regard he is nothing more than a figure-head. In the case of hasty, ill-advised, imperfect, absurd and corrupt legislation, the people cannot, as is the case in other States, appeal to the executive to interpose an effective veto, and having no power, he is not responsible in the matter, and the blame and odium and punishment for such legislation has to be divided between several hundred members of the General Assembly, each of whom usually succeeds in shifting the blame upon some one else.

Contrast this system with the advantages possessed by other States, where in case of important legislation, concerning which there is a great diversity of public feeling, the Governor can appoint hearings to which the people of the State may come and express their individual views for or against the approval of the bill, and where the executive realizes that he will be held

individually responsible for the success or failure of the law.

In all branches of the executive department there is a similar restriction and denial of power with its corresponding responsibility. The prosecuting agents, or State's Attorneys so-called, are either elected by the judges, by the legislature or by the county commissioners, and are responsible, as a matter of fact, only to the power which gives them the office.

The present incumbents of the office of State's Attorney are, without exception, members of standing, character and ability, and no personal criticism can be made on account of the way they have performed their duties. But the objections to the system remain the same, the greatest of which is the fact that receiving their appointment from the judges, before whom they practice, they are necessarily creatures of the court and cannot be in the fullest sense independent officers thereof.

The prosecuting attorney should feel as he enters the court room, that he is a part of the executive department of the government, that he is charged with grave duties in protecting the interests of the people of the commonwealth; that he is responsible alone to his oath and to the people; that he is just as independent of the presiding judge as is the executive himself.

The very essence of the idea of justice and fairness in a trial at law, is that each of the contending parties shall be represented before the judge by fearless, independent counsel who are under no obligation whatever to him, and who will not fail, in accordance with the manner provided by law, to object to

or criticize the rulings of the court. It is contrary to human nature to expect such a position, such an attitude can be, or will be strongly maintained by prosecuting attorneys, when they are dependent upon the judges for their election and for their continuance in office.

The system of appointing prosecuting attorneys in the minor civil courts of the State is open, in a greater degree, to the same objections, and there is this further objection, viz.: that the appointment is too often the result of a deal, made before the appointment of the judge of the court himself by the legislature.

The State would be better governed if the powers of the executive department were enlarged, in order to correct these very patent evils.

The State's Attorney should be elected by the people of each county, or appointed by the Governor, and should have charge and control of all public prosecutions of whatever nature within their respective counties. These officers should all be subject to the general control of the executive, and should be permitted to appoint their own assistants.

Although this plan contemplates taking from the judicial department a certain amount of power and patronage which it at present enjoys, it is believed that for the reasons stated the change would receive the cordial approval of most, if not all, of the higher judges of the State, who are interested above all things in the independence and absolute purity of the bench.

CHAPTER VII

JUDICIAL DEPARTMENT

FORTUNATELY for the commonwealth, the encroachments of the legislative department upon the judicial department, which prevailed to an alarming extent prior to the adoption of the constitution of 1818, and which caused a large share of the discontent which finally resulted in the adoption of that constitution, were by its terms abolished, and the judicial department, in most of its workings for the past eighty-two years, can be referred to by every citizen with pride.

The only modifications that are now needed are in the nature of applying the principles, then adopted for the higher courts to the minor courts, which have increased with the growth of population and the passage of the years. The late Chief Justice Church, of the Supreme Court of the State, in a manuscript history of the constitution now in possession of the New Haven Colony Historical Society, said, in speaking of the position of the judiciary at the time of the adoption of the constitution of 1818:

"The courts of law were most complained of as being partizan in the discharge of their duties. The judges were annually appointed and an independent judiciary was loudly and earnestly demanded."

In a very able paper entitled "The Three Constitutions of Connecticut," written by one of the most distinguished members of the Supreme Court of the State, occur the following passages:

"In the constitution of 1818, the Judiciary, for the first time, was recognized as a co-ordinate department, and its character was greatly elevated by extending the term of office for Judges of the higher courts to that of good behavior, except the provision for retirement in case of any who reach the age of seventy.

"Thus was extinguished a real grievance of the people—that of seeing their judges dependent for their seats on the annual pleasure of the General Assembly, the upper house of which was generally composed largely of lawyers, whose good will no judge could afford to be wholly unmindful of conciliating.

"By the changes mentioned in the election of the judiciary, there has been, I think, a decided gain. Legislative appointments to judicial office are dictated largely by personal considerations. Members of the legislature itself are apt to receive them, if they desire it, and this not only opens the door to bargains, but practically narrows the field of choice. A caucus of a legislative body is also less responsible to public opinion than a political convention of party delegates, whose candidate must run the gauntlet of a popular election; and less responsible still than any single magistrate to whom the nomination may be confided.

The reduction of the term of office of Judges of our higher Courts to eight years, has inevitably tended to lower their spirit of independence, and make them more amenable to the influence of public opinion. This was the intent of the change, and it has been accomplished. I cannot but think that in this point the framers were wiser than the amenders of the constitution. The judiciary is, in its nature, the weakest of the departments of government. It exists to administer and apply laws which others make and others execute. The private citizen goes there to secure protection. He is separated from the Governor, or the General Assembly, by everything except his vote; but the Courts are at every man's hand, and their doors are always open. The citizen ought to find there a power strong enough, and self-asserting enough, to vindicate his rights against unjust attack from any quarter, though it be the highest; and to secure this effectually, the judge ought to be trammelled with no thought of a re-election, and

no fear of the disapproval of Governor or legislature, which he would not feel in equal measure for that of any equal number of honest men in private stations."

The same evils complained of at that time with reference to the higher judges, exist now to a greater or less degree in the case of all the minor judges appointed by the legislature, and it is clear that the only reason the constitution was not then made to include these minor judgeships, was because at that time there was little need for them. This evil has since been recognized in many ways, especially in 1850, when an amendment was proposed to make members of the General Assembly ineligible to most of the important offices within its gift, but which was defeated, as might have been expected.

Everyone who is familiar with the workings of the legislature and the lobby at Hartford, can point to many cases, where there has been a contest for appointment as judge by the legislature between two or more candidates, where would-be wearers of the ermine have not hesitated to use all the arts of the politician, and where the result has usually been a deal giving the office to one contestant, upon his promising to appoint his chief opponent assistant judge or clerk or prosecuting attorney of his court.

The late Governor Morris, in his annual message to the General Assembly in January, 1893, said:

"Now with the legislative department constituted as we have shown, and with the executive department elected by the legislative department, let us examine the judicial department. The Constitution provides that Judges of our higher Courts shall be nominated by the Governor and appointed by the General Assembly, that is, the legislative department.

Thus we see that with a Governor elected by the legislative department, members of the judicial department are nominated by him, and are appointed by the same legislative department. Thus, to a great extent, we find, that under our defective constitution the three departments of government are merged in one, the legislative department. The framers of the original constitution did not intend this, but intended that the three departments should be kept separate. This condition of things has arisen through the patchwork of amendments, that has been attached to the original constitution, and through the changes in population and pursuits of the people."

By reason of the great number of minor courts and judges, and the great frequency with which they are elected by the legislature, it is said that Connecticut has more judges than all of England, and it has become a common saying that judges are more plentiful in Connecticut than colonels in Kentucky.

One other encroachment upon the judicial function should here be mentioned, relating to the system of choosing trial jurors.

The statute provides that in each town, officers known as the "Constituted Authorities" consisting of the justices of the peace, constables, selectmen and grand jurors, shall meet twice a year and select trial jurors. The result is that as a matter of fact the so-called "Constituted Authorities" neglect their duties, and do not attend unless they happen to be interested in placing some friends upon the jury list, as was shown by one meeting in Hartford, where out of sixty-five who were authorized to select jurors, only seven were actually present.

The result of such a system and its evil tendencies can readily be seen, and it is a pleasure to know that

the Law and Order League of the State has taken a decided interest in this matter, and is making strenuous efforts looking toward a reform of the system.

The power to select jurors is one that should not be delegated to any man or number of men, but in order to get the best results from the jury system, every voter should be on the list and should be required to do jury duty when his name is drawn by lot, excepting when he is excused by the court for good and sufficient reasons. Of course it is appreciated that this is a matter of statute law, and can be changed by the legislature without an alteration of the constitution, but the present contention is, that the constitution itself should require that the statutes observe the proper coördination of the three departments of government, and that no encroachment of the powers of one department upon those of another should be permitted.

CHAPTER VIII

UNEQUAL TAXATION

HAVING considered the chief defects of the present constitution, we now take up some of their inevitable consequences.

During the eighteenth century, the relation between taxation and representation was fully recognized by the general court of the colony in many ways. In a very interesting and instructive article upon town representation, prepared by the State Librarian, than whom there is no better authority upon this subject, we find the following :

“New towns were excused from paying taxes to the colony during the difficulties of their first beginnings; and as taxation and representation were coupled, they sent no deputies to the General Assembly: Thus Litchfield, settled about 1720, sent none until 1740; Barkhamsted and Colebrook, named in 1732, incorporated as towns 1779, were not represented until October, 1796; Winchester, named 1733, given town privileges 1771, was first represented in 1781; so when in 1720, the east parish of Greenwich was exempted from public taxes for four years, to enable them to maintain the gospel ministry, it was provided that the town should send during that period but one deputy at the public charge; so in 1725, Ashford was exempted from public taxes for two years, with a proviso that they neither send deputies nor draw money for their school during said term; and so in 1730, New Milford was freed from public taxes for two years, provided they should pay the salaries of any deputies they should send to the Assembly during that time.”

During the nineteenth century, however, under the present constitution a change has taken place in regard to taxation, until now Connecticut is the only State that can be accused of enforcing taxation without due representation. One of the cardinal principles for which our forefathers fought, and to which they adhered in the establishment of this government, was that there should be no taxation without representation, but precisely that evil has existed in Connecticut for many years.

It may be said in answer to this, however, that there is no tax levied directly upon the people for the purpose of maintaining the state government, because a sufficient revenue is derived from taxation upon corporations, and other like sources, to produce the funds needed for state purposes. This has been the case for the last few years, but no one can say that the time may not soon come when it will again be necessary to levy a state tax. However this may be, the revenue, from whatever source, belongs to the State as a whole, and the people of the State are entitled to an equal voice in voting how and for what purposes that money should be disbursed. Connecticut is the only State where the residents of the cities are virtually disfranchised in all that pertains to State matters, because their voting power in the legislature is only equivalent to a small fraction of that of the residents of the smaller towns.

Reflect upon the rank injustice of such a system of taxation and misrepresentation in detail for a moment, and we will refer you again to the trite comparison of the towns of Union and New Haven; one with less than 500 inhabitants, and taxable property

assessed at \$124,405, and the other with about 100,000 inhabitants and an assessment of \$78,041,453. One, according to the census, becoming still smaller and the other growing larger year by year, and yet the town of Union sends two representatives to our legislature, and the city of New Haven is entitled to only two, and these representatives with others from different parts of the State are vested with the power to make laws, to elect many of the judges and other state officials, and even the Governor himself, at times, and of deciding for what purposes the money belonging to the State shall be used. Any man in the town of Union, by his vote, has two hundred times as much power as the Mayor of New Haven or the President of Yale University when it comes to the election of a United States senator, or the election of the Governor of the State of Connecticut, in cases where the election falls to the legislature, or in the disbursement of the state funds, or in deciding the policy of the State regarding taxes or in any matter whatever.

The men of small means in the cities, who own their little homes, have as great an interest in the subject of equal taxation as the resident of the smaller towns, and have a moral right to an equal vote regarding taxes. The same is true of the laboring man in the city who owns no taxable property, because he pays his share of taxes in increased cost of house rent, and to him the amount that he is so required indirectly to pay means a great deal more than the taxes paid by those who are favored with more of this world's goods. Every dollar that is taken from such men in taxes, whether direct or indirect, means a denial of some

comfort or even necessary that they might otherwise have enjoyed.

On the 23d of May, 1895, the *Hartford Times* published a table of the general receipts and general expenditures of the State according to counties, which showed more clearly than in any other way the injustice of the present system of taxation when considered with reference to representation. This statement is complete for the preceding fiscal year, with the exceptions that the benefactions of the State in the way of hospitals, asylums, soldiers' home and kindred institutions are not given, as these distributions could not be readily classified by counties. For the same reason the amount of taxes on railroads, which for that year aggregated \$766,420.76, is not included in the statement of receipts, as is also the case with reference to the receipts from the collateral inheritance tax which for the year amounted to \$74,179.07. These omissions pertaining strictly to general state matters, in no way affect the conclusions reached by an examination of the following table.

Summarizing the results of its investigations the *Times* said:

"The figures show conclusively that the bulk of the general taxes paid in this State, exclusive of the railroad tax, is paid by Hartford county. During the last fiscal year the taxes paid by the county amounted to \$437,175.92, and it received from the State, for support of schools, court expenses and other general expenditures, the sum of \$140,167.10. These comparisons by counties in columns, showing the general taxes paid into the Treasury and the amounts received therefrom, will tell the story.

They are as follows:

	Paid into Treasury.	Received therefrom.
Hartford	\$437,175.92	\$140,167.10
New Haven	101,053.64	238,282.14
New London.....	70,737.62	80,738.60
Fairfield	80,373.42	180,760.52
Windham	17,132.54	40,413.65
Litchfield	24,998.24	50,391.81
Middlesex	26,334.74	32,920.28
Tolland	10,916.48	21,882.99"

The representation in the legislature by counties is as follows:

	Senators.	Representatives.	Total.
Hartford	4	45	49
New Haven	4	36	40
New London	3	30	33
Fairfield	4	32	36
Windham	2	24	26
Litchfield	3	41	44
Middlesex	2	22	24
Tolland	2	22	24
	24	252	276

Comparison of these tables seems to make argument unnecessary, but the following letter from a prominent citizen of the State shows how the taxpayers regard the situation:

To the Editor of the Times:

The analysis of State receipts and expenditures published in the *Times* of the 23d inst. is very instructive as an exhibit of the shameful inequality of taxation in Connecticut.

It is not generally known, as it should be, that in every County in the State there is a large annual deficit to the State Treasury with the single exception of Hartford County. By the Treasurer's report for the fiscal year of 1894 these deficits are chargeable as follows:

EXPENSES OVER RECEIPTS.

DR.

New Haven County	\$127,228.50
New London County	10,000.98
Fairfield County	100,387.10
Windham County	23,281.14
Litchfield County	25,393.57
Middlesex County	5,585.54
Tolland County	10,966.57
	\$302,843.40

SURPLUS OVER EXPENDITURES.

CR.

Hartford County	\$105,629.24
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The surplus of Hartford County in the State Treasury pays the deficit of Litchfield, New London, Windham, Middlesex and Tolland, \$75,227.80, and leaves a balance of surplus, \$30,401.44, to be applied on remaining counties. Hartford, in short, pays her own way, and contributes a fraction less than 35 per cent. to the payment of the deficit in all other counties. Hartford could well afford to build the bridge if all other counties would pay their own way, and keep their accounts square with the State Treasury.

The taxes on railroads are not considered in these comparisons because they are not the local institutions of any particular county. . . .

The attacks which have been made on Hartford by members of the present General Assembly are without precedent in the history of legislation in this State. We need not be ignorant of the many devices by which Hartford interests have been bartered away to promote personal ambitions. The lobby has been constantly filled with those who have been retained to shift the burdens assumed by the State upon Hartford and adjoining towns. Virtues have been assumed which are not possessed, by crying out against the lobby work of past sessions, and quietly whispering instructions in the ears of those who are charged with the management of the present lobby.

Bills have been introduced for no other purpose than the effect which they were designed to have on pending questions,—a very old trick in legislation, and better understood in the lobby than in the House.

Hartford has been badly treated by those who have volunteered to stand guard over her interests for personal ends.

These towns which receive from the State Treasury more than they are ever called upon to pay, are the only towns interested in the maintenance and payment of the lobby of 1895, employed to repeal the bridge act, which they declare was passed by the influence of the lobby in 1893. The superior virtue which is claimed for the 1895 lobby is not apparent.

. . .

One thing is certain: We have outgrown a system which gives a small town, of less population than the smallest school districts in Hartford and New Haven, the same vote in the General Assembly as that enjoyed by the largest cities in the State. The time has come when that eminently unfair system of unequal representation should be changed to a system more compatible with a democratic form of government.

JAMES G. BATTERSON."

This disregard of the elementary principles of taxation works injustice in many ways, and no single class is entirely exempt from it.

Representatives from towns having less than one-third the population and wealth of the State have the absolute power to vote away, against their will, the money of the inhabitants of other towns and counties having more than double the population and taxable wealth. This is oligarchy, pure and simple, and would not be tolerated in any other State in the Union or in any civilized country in the world.

Another startling illustration of the gross iniquity and injustice of this method of taxation is shown by the recent tax law, authorizing the expenditure of money under the supervision of the highway com-

mission, in the construction of roads throughout the State,—a law which meets with the approval of everyone so far as its object is concerned, but which has been severely criticized on account of the way it was enacted. For instance: the grand list of Fairfield County aggregated in round numbers over \$100,000,000: of this sum Bridgeport has about one-half, the result being that of any tax levied under this law, the citizens of Bridgeport will be compelled to pay one-half, while in the legislature which enacted this law, of the thirty-two representatives and four senators from Fairfield County, Bridgeport had but three, that is one-twelfth of the entire representation. If anyone has the hardihood to claim that such a system of taxation for any object, however meritorious, is just and fair, the people of Bridgeport undoubtedly will be pleased to hear his reasons.

Vide appendix, p. 136. Statement showing the population of each town in the State, and its representation in the legislature.

CHAPTER IX

CIVIC CORRUPTION

IN the consideration of the results that flow from the imperfections of the constitution, we now come to one that is by far the most serious, the most injurious to the people, and the one that has done the most to discredit the fair name of the State. The subject is approached with regret, and only because of the conviction that the best and quickest way to cure an evil in the body politic, is to acknowledge the real truth and let the people know the exact facts.

Of all the States in the Union, not one is more notorious for civic and political corruption than Connecticut, and but two or three can be said to equal it in this respect. A statement so serious as this must be shown to be true by the best kind of proof, by undisputed facts, and by the evidence of witnesses of all parties and all professions, who are free from any suspicion of personal, partizan or interested motives. This we will proceed to do:

The Hon. E. S. Day, ex-chairman of the Republican State Committee, a politician of large experience and a man of recognized foresight and shrewdness, in a Memorial Day address, 1895, at Norwich, is reported by the *Hartford Courant* to have said:

"Is it not cause for feelings of shame and disgrace that in this grand old commonwealth of Connecticut, where lived, labored and wrought for its highest welfare, such men as Hooker, Wolcott, Trumbull, Ellsworth, Baldwin, Buckingham, and many others of like integrity, there should be reasons for

believing that a considerable number of men, elected in recent years to assist in making the laws, have cast votes at the unholy diction of money? While to see justice and purity dethroned, and laws passed at the dictation of money that is reeking with corruption, should arouse and disgust all good people, they should not hold themselves blameless for allowing those to get into places of power who can be induced to accept the alluring money of bribers."

The *Hartford Courant* in 1895, in an editorial entitled "The Lost Amendments," referring to the failure of the senate to pass the two constitutional amendments, said as follows:

"But the two years have gone by and the amendments have been killed, although in our opinion three-quarters of the people and more than a hundred of the towns, if not all of them, would if they had the chance, adopt each amendment to-day. They expected the chance and they will be disappointed and indignant at what has been done.

The big corporations, which find the control of thirteen senators means the control of all Connecticut legislation, did not want the senate enlarged. The proposed enlargement has been killed off.

The political managers, who would have more money to handle if they could bear down on the candidates with the need of greasing each town so as to have the legislature right in case the state ticket failed of a clean majority, did not want the majority restriction removed. And it isn't removed.

The political managers who undertake to run conventions sometimes for love or hate and sometimes for more material considerations, want to be able to stick unpopular men on the ticket, if it seems worth their while. With the majority regulation this can be done; with the plurality rule in effect an objectionable candidate would have to take the consequences and go under. Hence the machine for this reason also was against the amendment, and the amendment is dead."

Prof. McCook, of Trinity College, in an article in the September *Forum*, 1894, said:

"Careful investigation shows that an average of over 15 per cent. of the votes of Connecticut electors can be purchased."

The following letter written in 1895 to Prof. McCook by ex-Governor Thomas M. Waller, is to the same point:

OFFICE OF WALLER & WAGNER,
45 Wall Street,
NEW YORK, Feb. 20, 1895.

"*My Dear Sir:*

My attention has been called to your remarks yesterday before the judiciary committee in the Capitol in regard to corrupt elections in Connecticut, and also to the allusion by you and others to my statement made two years ago that there was spent in the presidential campaign of 1892 in our state more than \$100,000 by democrats and probably as much more by the republicans, and that two-thirds, if not more, of those amounts were expended in ways, that would not be approved of in a corrupt practices act, or approved of by the great body of either of the political parties.

"I did not make that statement without deliberation or without knowledge, and if the General Assembly organizes a Lexow committee, of which, I think, we have need, to investigate the evil in question, I will undertake to prove before that tribunal to the satisfaction of everybody, and out of the mouths of state and local committeemen, too, that the sums I said were expended, were altogether too small, and that the portion of such sums that I said was devoted to legitimate purposes was altogether too large.

"I am satisfied that you did not over-state in your *Forum* article, the proportion of voters in our state who are directly or indirectly bought or corrupted at every important election.

"And, while I am not a reformer or a mugwump, but only a democrat and not as good as my party, either, I am in full sympathy with you and all others, who are fighting against the inordinate and dishonest use of money at the polls in Connecticut. For, if this evil is not checked, legislators will soon be bought and sold as voters now are, and men who

want to be governors and senators, and who could not obtain such positions otherwise, will only have to furnish the managers with money enough to acquire all the honors they covet.

"I have always been opposed to the use of money at elections, as a citizen, if not as a moralist, and I am opposed to it still.

Yours very truly,
THOMAS M. WALLER."

It should be observed here that this letter evoked some sharp criticisms from the members of the legislature then in session, in reply to which Gov. Waller publicly expressed his willingness to appear before any committee that the legislature might appoint, and substantiate his charges by proof; but after due consideration, the legislature decided not to give him this opportunity, and it is the common belief that it did not dare to summon him before them to explain or to prove his charges.

Replying to criticisms upon his letter, Gov. Waller said, "It would, of course, require a committee like the Lexow Committee to bring these facts out, but give me such a committee and I will warrant to put the committeemen on the stand who have had charge of the distribution of corruption money at election time. I will confront them with their own dishonesty, and defy them to disprove it.

"Why, money rules Connecticut politically. No man can hope to rise there unless he has the backing of the money power. A rich man who wishes to be elected governor or senator calls the district committeemen around him and places his cash with them. They do the rest. No man without money can hope to cope with the rich man's dollars. Why, I know of one case where the members of a committee actually

sat in a back room during an election, and, as the voters passed out, distributed \$1,500 among them. Republicans and democrats have been equally corrupt. But I say it isn't right, and that it's high time something was done to check the crying evil.

"Nothing can be accomplished, however, until we succeed in getting an Investigating Committee to probe these abuses, and that, I fear, we shall never be able to bring about. In the meantime the agitation carried on by such men as Charles Dudley Warner and Prof. McCook may do much to create a healthy public sentiment."

The *Hartford Courant* of February 25, 1895, commented upon this discussion in the following editorial:

A CHALLENGE THAT MUST BE MET.

"Ex-Governor Tom Waller cannot be whistled down the wind as an amateur politician, a theorist, a closet philosopher, or a 'goody-goody reformer.' He has been in Connecticut politics for many years—very deep in, too. His testimony is the testimony of an expert.

He tells the *New York Herald*—we reprint in another column his exact language—that Connecticut is more corrupt, politically, than the city of New York. He repeats that he stands ready to prove the truth of all he has said on the subject out of the mouths of state committeemen—democratic and republican—if the General Assembly gives him the chance. He doesn't expect, at present, to get the chance.

There ought not to be the slightest hesitation or delay in giving ex-Governor Tom Waller an opportunity not only to tell what he himself knows, with circumstantiality and detail, but to compel other men to tell what they know. His challenge to the General Assembly has excited wide attention. If it is ignored and evaded, the shielders of corruption will be held to a sharp accounting at the next elections. The honest people, republicans and democrats alike, are watching this incident."

Turning now from the politicians, the press and the professors, it may be well to consider what the pulpit has said upon this subject.

Sometime since the general conference of Connecticut Congregational churches, sitting at South Norwalk, turned its attention to the duties of the christian citizen. Dr. Newman Smyth, of New Haven, fresh from his assault on intrenched official incompetency and corruption in that town, read a paper upon local government, and the conference gave him a vote of thanks for it on the spot. Other papers were read. Then the Rev. R. T. Hall offered the following resolutions:

“RESOLVED, First—We acknowledge with great regret and shame the prevalent debauchery in the public affairs of our commonwealth, especially as regards the enforcement of criminal law, the purchase of votes and the corruption of legislators.

Second—We heartily commend the individual and organized efforts, that have been made to put an end to this debauchery in various places of the State.

Third—While we recognize that our churches exist primarily for distinctly spiritual ends, and that the regeneration of individual souls is the only basis of moral progress, yet in view of the existing situation we urge upon our pastors and people, in the pulpits, on the streets and everywhere, to do their utmost—to the sacrifice of partizan feelings and interests if need be—to secure honest, competent local government for our towns and for the State.”

It is needless to say that these resolutions were passed unanimously. It is the firm belief of many that if the clergymen of the State would act in accordance with the above resolutions, and were to sacrifice

all partizan feelings and interests, and vote at elections for the candidates, for the party and the platform, which seem most likely to bring about the desired change in our laws, the politicians would respect and fear them and would comply with their demands.

A well known effort in the same direction,—that is toward the suppression of bribery at elections, was successfully made in the town of Ridgefield in the campaign of 1892, when one of the political clubs offered a standing reward of \$100 to any person, who would furnish evidence sufficient to convict anyone of buying, or attempting to buy a vote in said town. This offer was non-partizan and free to all. The result was that at that election, vote-buying in the town of Ridgefield entirely ceased. Every man who had been in the habit of indulging in this practice, feared that anyone whom he should attempt to bribe, would try to secure the \$100 reward offered by exposing him.

The resolutions adopted upon that occasion were as follows:

WHEREAS, The use of money for purchasing votes at elections has grown to frightful proportions and is undermining alike the welfare of the nation and the morals of its citizens:

WHEREAS, It is stated by Prof. J. J. McCook, of Trinity College, in an article in the September *Forum*, that careful investigation shows, that an average of over 15 per cent. of the votes of Connecticut electors can be purchased;

WHEREAS, We think the only way to check and stamp out this evil is to arouse a public sentiment against it, for every respectable political organization to declare against it, and to take energetic measures toward its suppression, by the detection and conviction of the offenders under the laws of the state; therefore be it

Resolved, That the Democratic Campaign Club of Ridgefield denounces the use of money, and all other improper means for the purpose of corrupting voters at elections.

Resolved, That the Club pledges itself to use all the means within its power, to prevent the use of moneys in politics for any other than legitimate campaign expenses.

Resolved, That this Club appoint a committee of 25 persons who shall be charged with the duty of detecting and bringing to punishment, any parties who shall in the town of Ridgefield, violate or attempt to violate the law of the state in reference to bribery and the marking of ballots.

Resolved, That this Club offer a reward of \$100, to be paid to any person who shall furnish evidence sufficient to convict anyone of giving or taking a bribe, or of illegally marking ballots at the election in Ridgefield in November next.

Resolved, That \$100 be appropriated from the funds of the Club, and be deposited with the Ridgefield Savings Bank for this purpose.

Resolved, That this Club does hereby call upon all good citizens and all political organizations, to join in this new crusade against bribery and in the fight for the purity of the ballot."

The following is from the *Hartford Courant*:

"Windsor Locks is another town to be listed with those that are bound to have cleaner politics. Indeed it should have been mentioned earlier, for the good work began earlier there than in some of the other towns.

Two years ago the Republican and Democratic town committees 'got together' and agreed to use their influence to prevent all buying of votes. Stories of corrupt practice had been so numerous, facts as to the purchase of voters had become so obvious, that it was time for a halt. And a halt was made. . . .

As a result, the election of 1892 and again that of last week were carried through without any vote-buying, which the regular party organizations were cognizant of or able to prevent. The result was that Windsor Locks voted as it wanted to, and there were no disgraceful stories to echo about the town for months to its own discredit.

An esteemed correspondent writes us that the 'Kent plan' was in operation this year not only in Kent itself, in North Canaan and New Milford, but also in Canaan, Salisbury, Sharon, Cornwall and Roxbury—in every town of the Nineteenth senatorial district except Bridgewater. With regard to the practical working of it, he reports:

'I can speak only of Salisbury. There was no pulling and hauling of electors, but a quiet and orderly election. Each party had its detectives to watch for and discover any violation of the contract on either side. So far as I can learn there was no such violation, and no complaint or fault-finding by the politicians of either of the parties.'

Now why—you may ask—was the 'Kent plan' adopted in the Housatonic Valley? My answer is: First,—the leading politicians of both parties, their business and monied men, have become disgusted with the bribing of electors. I hope their consciences and love of country have had an influence with them. Second,—Our Australian ballot law has helped to bring about the great change, in my judgment, in this town. The briber, under this law, cannot know how the purchased elector, who has been bought (generally) twice, will finally vote. The second briber says to the voter. 'You get all the money you can from Mr. A's boodle; then come to me before you vote, and I will take care of you.' The ballot law perhaps needs revision and amendment, but I hope it will never be done away with.

Here then are nine Connecticut towns already heard from, that have set to work in a practical way and in earnest to have clean, honest elections—to put down the vote-buyers and the vote-buying. If there are others that have not yet reported, The *Courant* will be glad to hear from them."

The impropriety of the method of election of County Commissioners by the legislature has already been mentioned, and the fact that it is a prolific source of civic corruption is well known. It is an office of great importance, and much desired. They manage all the county business, controlling the county institutions, the

liquor traffic, and the expenditure of large sums of money. Nominally appointed by the General Assembly, but in reality selected by a caucus of the majority members of the legislature for the respective counties, they are responsible to no one, and if they prove corrupt or incompetent, there is no one upon whom the blame of their appointment can be fastened.

Time and again the attempt has been made to enact a law providing for their election by the people, but it is not for the interest of political managers to have the people choose officials, when they can be selected by star chamber methods as the result of a deal.

Vide appendix, pp. 126, 127, 134.

The system of having the prosecuting liquor agents appointed by the County Commissioners, is an abomination and a stench in the nostrils of all friends of temperance, and reform and good government in the State. It simply helps to perfect the power of the political machine which controls our county government, and emphasizes as strongly as can be the necessity and importance of wholly divorcing the liquor traffic from politics. No one has the hardihood to assert that the prosecuting liquor agent, appointed by the County Commissioners and holding his office at their pleasure, is going to carry on any prosecution, however just, against their wishes, or is going to prosecute any lawless saloon keeper who has what is technically called a "pull" with the board. One of the greatest sources of political corruption in the State to-day, is the vicious management of the saloon element by the County Commissioners and their prosecuting officers. The saloon vote is controlled and coerced by the County Commissioners, and the evil will never be remedied

until, among other things, prosecuting agents for infractions of the liquor law are chosen in some other way and are made responsible directly and only to the people.

The same elements in the State which favor Constitutional Reform have demanded the election of the County Commissioners by the people. In so doing they have arrayed themselves on the side of pure politics and have pronounced against the present system of election by the legislature which must necessarily breed corruption. A system which gives the County Commissioners, after they have been appointed, a feeling that they are not responsible to the people for the proper performance of their official duties, but only to the politicians who made them; a system which compels the saloon-keepers, as a class, to remain in politics, subject to the will of the County Commissioners, and does more than almost any other one thing in the State, to negative or neutralize the attempts of thoughtful citizens who favor proper restriction of the liquor business, and the efforts of the best class of people, who wish, so far as possible, to take away from the office-holders of the State the opportunity to make corrupt bargains.

The following is an editorial from the *Hartford Courant*:

"The State Senate killed yesterday one of the best measures of the session, and thereby fulfilled the expectations of all but the most sanguine observers. Indeed, the senate chamber is recognized now as sort of a state graveyard. Yesterday the proposed selection of liquor prosecuting agents by the courts was disposed of there by 15 to 7—more than two to one. It was a measure born of experience and advocated by

law abiding citizens all over the state. The republican party would to-day pass it by 20 to 1, if not 50 to 1. Yet it was killed to please county commissioners who want to use the liquor interest for party purposes. Such a policy is simply suicidal for the party of law, order, and progress."

If the foregoing instances are not sufficient to satisfy any candid reader, of the truth of the statement laid down in the opening sentences of this chapter, they can be multiplied ten-fold by anyone who is at all conversant with the history of Connecticut politics. And it will be observed that this civic corruption permeates the entire body politic, is not confined to individuals, but to the parties as well, as was most forcibly shown during the legislature of 1895, by the shameful repudiation of the pledges made two years before, by the party in power regarding the proposed constitutional amendments. This act of repudiation was so startling and so new in the history of New England communities, that it has become historic, and called forth expressions of surprise and reproof from leading journals all over the country, one of which said as follows :

"The worst thing about such performances is that they strike at the very principle of party government. The theory of such government is that rival political organizations meet in conventions, adopt platforms which commit them to the carrying out of certain policies, and nominate candidates who are bound to sustain these policies. The republicans of Connecticut promised the voters that, if they would give them control of the legislature again, they would ratify these pending amendments for the introduction of the plurality principle and the reform of the senate. They urged that this was a better way of curing admitted defects in the constitution, than the plan favored by many democrats of calling a convention and revising the whole constitution. The party virtually entered into a contract with the voters to advance these

amendments, if the voters would intrust them with the legislature. Having secured control on distinct pledges regarding these measures, the party repudiates its promises."

The safety of a republican form of government depends largely upon the existence of parties, and in order to protect the people and to give expression to their will, the constitution should provide that whenever either party obtains a plurality of the votes, it should be invested with the powers of government, and the full responsibility for exercising the same. In this way citizens who desire nothing but good government are able to express their wishes, to vote for the better candidate and the better principles, feeling assured that their votes will be effective, and, furthermore, in this way the managers of both parties are compelled often to advocate principles of reform, for which they have no sympathy, and to place before the people candidates of high character, for whom they have no great liking, simply in order to win the day.

As has been truly said. There is an irresistible and eternal tendency in all kinds of power, to over-step its proper boundaries and work for evil, unless restrained by some sort of checks or balances. This is human nature and is party nature as well. Any party that has a continued lease of power for a number of years is bound to deteriorate and become corrupt, and the only safeguard against this tendency is found, when there is an opposing party nearly equal in strength, ready to criticise all shortcomings, ready to promise and carry out improvements if given an opportunity, and when the independent thinking, incorruptible, non-partizan voters of the State feel conscious of their

power at every election to throw the victory either way.

Pledges by a political party in favor of any reform, made in order to obtain votes and in fear of adverse action by the people at the election, constitute a moral obligation that appeals to the sense of every honorable man, and although such pledges are not technically and legally binding upon the members of the party when elected upon them, and acting as legislators, they are for that very reason all the more binding as a moral obligation. Men who obtain votes which place them in office, which are given on account of certain pledges that have been made, without distinctly and plainly stating their opposition to such pledges, are guilty of sharp practice if they do not make their actions conform to the spirit of such anti-election promises.

A party which pursues such a course, which pursues the course that was followed in regard to these constitutional amendments, is unquestionably guilty of a violation of a moral obligation, and deserves to be put in the same category as men who take advantage of a technical objection to defeat an honest claim, as men who cheat at cards or use foul means to win a horse race. Repudiation whether of financial obligation or of political promises, is equally dishonorable, and this whole dishonorable episode in the history of the State, only goes to furnish another example of the lamentable fact that there are many men in this community who are willing to stoop to, connive at, and take advantage of questionable devices in politics, which they would scorn to use in their personal, business, or social relations.

As a result, the moral tone of the entire State in matters civic and political has become demoralized; vote buying and vote selling, the purchase of nominations for cash, repudiation of party pledges and the influencing of legislation by the use of money are openly discussed and but faintly denied. Most notable has been the effect upon the lobby, which in a certain way is as distinguished as that of any other State.

Space permits no more than a passing allusion to this form of civic corruption, and a single extract, slightly altered, in order to eliminate personal allusions, from a brilliant account of a well remembered legislative conflict in which the third house was the most prominent, will suffice to show the character of this distinction.

High old times were those in the State Capitol when the lobby was as an army with banners—and plenty of pay chests—when many a legislator went home with a light heart and a lighter mortgage, when the item of “legal expenses” of the rival corporations waxed like Jonah’s gourd, and our good Ship of State for about three weeks floated in free champagne. Many a unique character in legislative ethics then appeared, but none more so than the legislator, whose miasmatic conscience prompted him to return to the one party the purchase money for his vote after accepting a bigger sum from the other.

In his recent work entitled “Democracy and Liberty,” William Edward Hartpole Lecky points to the United States as illustrating his general proposition that the tendency of democracy is toward misgovernment, a proposition from which, as intimated in the preceding pages, we must emphatically dissent.

But in the course of his remarks he tells some very unpalatable truths, the following one of which has direct application to the subject of this chapter :

"There is one thing which is worse than corruption. It is the acquiescence in corruption. No feature of American life strikes a stranger so powerfully as the extraordinary indifference, partly cynicism and partly good nature, with which notorious frauds and notorious corruption in the sphere of politics are viewed by American public opinion. There is nothing, I think, altogether like this to be found in any other great country. It is something wholly different from the political torpor which is common in half-developed nations and corrupt despotisms, and it is curiously unlike the state of feeling which exists in the French Republic."

The question naturally arises after considering these facts: what is the reason?—why should this state of things exist in any enlightened community, and especially in Connecticut, which started off so proudly more than two hundred and fifty years ago, and became the leader in all that pertains to good government?

The answer is patent and has undoubtedly occurred to every reader.

It is this antiquated constitution that has brought shame upon the fair and proud name of Connecticut. It is the refusal of the representatives of the people to revise these provisions of the fundamental law of 1818, which were right and just and suited to the time and conditions then existing, that has perpetuated that shame.

By the changed condition of population in the last seventy-five years, resulting in the unequal representation above alluded to, it has come to pass that the use of money in elections, among the few voters in certain

small towns having as many representatives as the largest cities, can effect unusual results; can, through securing delegates from these towns, control a convention and force undesirable nominations upon the majority of a party; can, by securing the election of representatives from those towns, overthrow a plurality of votes for governor and state officers, and insure the election of United States senators, of a different political faith from that of a majority of the people of the State.

In no other State in the Union, excepting perhaps Nevada, would this be possible, for in all of them equal representation to a greater or less degree prevails. These offices are great prizes; they are great temptations to the politicians, and, knowing human nature as we do, none should wonder at the result. Take away this temptation from the people of the State, and so far as possible make the use of money worthless in elections. Take away this incentive for politicians to offer large sums for single votes.

How can we blame the poor, ignorant, corrupt voter for taking \$5, \$10 or \$25 for his vote, when he knows that money was contributed by the well-to-do, educated and professedly moral members of the community, knowing that it probably would be used corruptly? How can we expect him to refuse it on the ground that it is not right, when he sees men of standing and property justifying or winking at unfair constitutional provisions, such as majority elections or unequal representation, that he knows are not right, that they know are not right, and we all know are unjust and inequitable? He sells his vote; they sell

their independence of thought and action by failing to protest and vote against such injustice.

A large portion of the responsibility for this corrupt state of affairs in Connecticut, rests upon the shoulders of the respectable class, the leaders of opinion, who refuse to recognize the fact that the constitution, the fundamental law of the State, is unequal, unjust, crooked and out of joint, and that we cannot expect good results to follow from the laws that are made in accordance with it, or from the people who live under it. The constitution of 1818 was glorious when it was born: it is now oftentimes the cause of shame to the State. It is largely because of that constitution, that the evils resulted which were depicted two years ago, by Professor McCook, when he made the startling statement that fifteen per cent. of the vote of Connecticut was venal.

It is chiefly because of the defects of the constitution, that the condition of affairs has arisen, suggested by an ex-Governor of the State in his recent declaration, that Connecticut is more corrupt politically than New York City, the ratio being as five to one, and that over \$100,000 was spent by one party in 1892 and a large amount by the other party.

The *Hartford Courant* in one of its issues heads a column with the words, "Connecticut's Shame," referring to these charges of political corruption. *Leslie's Weekly* states editorially,—“It has been repeatedly declared, and has become a matter of almost general belief, that the Connecticut electorate is one of the most corrupt in the Union, the estimate of its purchasable vote reaching as high a figure as 20,000.”

A gentleman while visiting in San Francisco a short time ago became engaged in conversation with a stranger, and upon being asked where he resided, said in Connecticut, whereupon his companion said: "Out here Connecticut is called the Nevada of New England—the rottenborough State." Is this a libel or is it justified by the facts?

Connecticut's shame has been bruited abroad and made public property by those who occupy positions of authority and knowledge, and in referring to these charges, though unable to deny their substantial truth, it is a duty and a pleasure to recall the glory of her record for three centuries, and to call upon her people and her legislators, to remove speedily this prime cause of her civic shame.

CHAPTER X

INJUSTICE TO CITIES

THE evils flowing from the constitution, which have been discussed in the preceding chapters, are general in their application, affecting the State at large and every one of its inhabitants. We shall now proceed to point out briefly, how the unfair provisions of the constitution work injustice to special communities, to classes in the State, discriminating against some in favor of others.

The injustice to the cities of the State, and thereby to those residing in the cities, is very marked, and as in the other defects mentioned in the preceding pages, was not intended by the framers of the constitution, and did not arise until a generation after its adoption, but has been caused by the changed conditions of the people, whereby the cities have increased very largely in number, population and size, and in many instances the towns have been, and still are, decreasing in population.

The following table, taken from the United States census for this century, shows this more clearly:

	In the State	In the Cities	Per cent. in Cities
1800	251,002	24,131	9.6
1810	261,942	25,118	9.6
1820	275,148	28,671	10.4
1830	297,675	36,894	12.4
1840	309,978	51,721	16.7
1850	370,792	75,756	20.4
1860	460,147	124,579	27.1
1870	537,454	190,973	35.5
1880	622,700	244,558	39.3
1890	746,258	394,676	52.9

There are now 17 cities in the State, and in the House of Representatives, consisting of 252 members, these cities have but 34 members. With a population of 394,676, they have 34 members, while the towns representing the rest of the State, having a population of 351,582, have 218 members. Otherwise stated, the cities with 52.9 per cent. of the entire population of the State, have but 13.5 per cent. of that unrepresentative body.

To illustrate still further and in detail, the town of Union with a population of 431 has two representatives, and the City of New Haven with a population of 81,298 has two representatives,—that is, in the former town every 215 inhabitants, are given a representative in the legislature, whereas in the city it takes 40,649 people to become entitled to the same right. In other words, the vote of every man in the town of Union has 200 times as much power, in elections of representatives, as any man in the City of New Haven, and yet Article I of the constitution of 1818 states as follows:

“DECLARATION OF RIGHTS: That the great and essential principles of liberty and free government may be recognized and established, we declare,

“SECTION 1. That all men when they form a social compact, are equal in rights; and that no man or set of men are entitled to exclusive public emoluments or privileges from the community.”

In the Declaration of Independence, which is the basis of our national government, and the forerunner of the federal constitution, and which was the unanimous declaration of the thirteen united States of America, it is declared: “That all men are created

equal, that they are endowed by their Creator with certain unalienable rights."

Does anyone imagine for a moment that the four signers of that declaration, who represented Connecticut so ably and so well, contemplated that the above sentence, would ever be construed to accord with the fact, that 431 people in the town of Union are politically equal as regards their right to elect representatives to the 81,298 people in the city of New Haven? Can anyone deny that such a system of misrepresentation, is a gross discrimination against the political rights of the voters of the cities of the State, and in contravention of the clause in the State constitution declaring that all men in Connecticut are "equal in rights."

We talk in this country about the great achievement of emancipating the slaves, and making them the political equals of their fellow men, as though political equality existed everywhere else. Connecticut should first emancipate the residents of her cities and make their individual votes equal to the vote of any man in the State. Let her make the vote of every man in the city of New Haven, equal to the vote of every man in the town of Union, although some of them do not deserve it as much as the negro did, because the negro desired political freedom and equality, and was willing to fight for it, whereas many of the voters of the cities of this State, at the behest of certain party leaders, and in order to retain an unfair partizan advantage, appear to be willing to acquiesce in this denial of their political rights, and will not raise a finger or cast a vote to better their condition.

What is true of New Haven, is true, in a different degree, of every city in the State, and the question is, how much longer will the enterprising citizens of Connecticut, consent to be governed by a constitution, that gives them virtually no representation in the legislature?

There are thirteen cities in the State, having over 10,000 inhabitants; each has two representatives in the legislature, a total of 26. The population of these 13 cities aggregates 381,000; the rest of the State has a population of 365,000, so the exact statement of the actual condition is, that 381,000 people have 26 representatives, and 365,000 people have 225 representatives; over one-half of the people of the State, can elect only 10 per cent. of the House of Representatives, which consists of 252 members. A mere statement of the case is sufficient to show its injustice and absurdity, and to satisfy any fair mind that the system should be changed, not by taking away the representation that the small towns now enjoy, but by increasing the representation of the cities and large towns in proportion to their population.

The denial of the right of home rule to Ireland, is not so flagrant as the denial of the same right to the cities of Connecticut, all of whose internal municipal affairs can be regulated and controlled to the minutest detail, by the representatives of towns having no real interest in their government and welfare, taxation and progress.

Ireland with a population of 4,706,448 out of a total population of 37,888,439 in the United Kingdom, is given a representation of 103 members in the House of Commons in a total number of 670 members.

It is a feeble and unworthy argument, to maintain that this present discrimination against the cities should be approved and continued, for the reason that the large cities are more corrupt politically than the rural districts, and that it is better for the State at large, to have their rightful degree of power curtailed in the interest of good government.

Human nature is the same the world over, and possibly both extremes are more to be found in the large cities, but we cannot believe that the average of political morality, is lower in the cities of Connecticut than in the rest of the State. In any event, it is perpetrating a definite injustice that possible good may come, which is always wrong.

This bugbear can be avoided, however, by those who sincerely believe in the superior virtue of the towns over the cities, by the system of district representation, whereby the representation is allotted to the different wards instead of to the city at large, thus dividing the vote, and no one has the hardihood to claim that there is not, in certain sections of all the cities, a majority who are in favor of clean politics and good government.

Here is an answer to this objection, given by the *Hartford Courant* in an editorial upon this subject, in which views the friends of just and equal representation to the cities heartily concur:

"It is said that any alteration of the present 'rotten borough' system would fling the control of the state into the hands of the large cities. The influence of corporations upon this subject, whether large or small, is to be deprecated, but it might easily be obviated by the course now pursued in the state of New York, which is the *single district* system,

the most equal, just and republican mode that can be invented ; for then no clique of politicians bonded together for their own selfish purposes, or no body of voters who have any particular object to attain, can influence an election of more than one member.

WITH SINGLE DISTRICTS, containing as nearly as may be an equal number of inhabitants, or of voters, there can be no complaint of inequality or injustice."

At present in many cities of the State, the will of the majority regarding matters of strictly local concern, such as taxation, the constitution of municipal boards, the question of bi-partizan control, the organization of city courts, and many other charter provisions, is distinctly ignored and thwarted by the action of legislators from towns who have no local interest in the cities whatever, and in too many cases simply obey the behests of party politicians.

As a natural result, the system which prevails in many of the cities of the State is inconsistent, cumbersome, expensive and absurd, as well as contrary to the wish of the majority. A single illustration of this will suffice, in a quotation from a statement made by Mayor Kilduff, of Waterbury :

"There are many old-fashioned notions of government in Connecticut cities. For instance, they have in Waterbury three separate and distinct governments, a city, a town and a school ; one has charge of the city affairs, so called, the city having been incorporated to include nearly, though not all, of the township, while the township incorporation includes it all just as it did before the city was incorporated. The school incorporation is a separate thing, so here we have three complete sets of officers, each handling the money of the same people, and each looking after the interests of the same property to a certain extent. It often happens that the separate boards of officers do not work harmoniously, and

I have known the officers of one corporation to go to law against another. In this case each corporation was spending the money of the same people, raised by taxing the same property to pay attorneys' fees. The spectacle is absurd and expensive.

I have seen a still more ridiculous thing. Each corporation has its own officers and keeps its own accounts. I have known two of the corporations to have a bank account to their credit of \$50,000 each, while the third had none, and when the third wanted money, it had to go to outside parties and borrow, paying six per cent. interest, while there was on deposit for the same people and the same interests more than was needed. The spectacle was like that of a man with more money than he needed in two pockets going to a bank to borrow because he chanced to have none in the third pocket."

Many other illustrations of a like nature could be cited, but sufficient has been said to show that the treatment of the cities under the present laws, is not only unconstitutional and at variance with the spirit of the founders of the government, but that it is clearly wrong and unjust, a denial of the cardinal principles of home rule and a scandal to the State.

CHAPTER XI

INJUSTICE TO TOWNS

IN all the discussion that has taken place, during the many years that the question of unfair representation has been prominently before the people, the general impression seems to have been, that it was solely a case of discrimination under the constitution, against the cities and in favor of the towns. But that this is not the fact, and that many of the towns suffer with the cities from this injustice, clearly appears upon investigation. In 1873, when the legislature considered the bill introduced by ex-Governor Harrison, providing for a constitutional convention, the vote against it was cast largely by the representatives from the smaller towns, it not then being regarded as a party question, and the opinion was held by many opposed to the bill, that it might work injuriously to the interests of the towns and benefit only the cities.

The fact is that under the present system, with the great changes of population since it was adopted, some of the most striking examples of its injustice are furnished by certain towns of the State, whose population is a trifle under 5,000 and which are entitled to but one representative, while there are fifty-three towns in the state with less population and with far less taxable property, which are permitted to send two representatives to the General Assembly. This is the case with the towns of Orange and Portland. Take for instance the town of Ridgefield, which has a population of 2,235, and the right to elect two

representatives. Adjoining it on the south is the town of New Canaan, with a greater population, which is entitled to only one representative.

There are ten towns in the state having less than 1,000 population each, which send two representatives to the legislature, and there are ten towns having more than 3,000 population each, which are restricted to one representative only. There are two towns in the state which, according to the census, have the same population, Marlborough and Killingworth. Each is credited with 582 inhabitants. Marlborough sends one representative and Killingworth sends two. Let the voters of Marlborough reflect a little while upon this state of affairs: let them try to justify to themselves, the fact that they are given only one-half the representation, that is given to the voters of Killingworth; let them try to justify this discrimination, and one and all they will tell you that it cannot be done. And yet this is just what they are doing when, as representatives of one of the smallest towns, they vote against a proposition to equalize town representation in accordance with population. If such a plan were adopted, it would in no wise affect their representation, because no one has ever advocated depriving even the smallest towns, of one representative in the legislature, and the only result so far as they are concerned would be to reduce the towns smaller than they, to the same representation.

Take also for example the town of Hartland with 565 inhabitants and two representatives, and compare it with the town of Middlebury having 566 inhabitants and one representative. Let the voters of Middlebury endeavor to satisfy themselves of the justice of this

system. Compare the status of two of the smallest towns in the state, the town of Andover, with 401 people and one representative, and the town of Union with 431 people and two representatives, and if the facts are all properly understood by the people of Andover, they will without doubt favor a constitutional convention, and a readjustment of representation upon the lines of equity and fairness. And we do not doubt that in the small towns which have two representatives, the fair-minded, honest-thinking people of these towns, are ready to concede the justice of the claim, that so long as every town in the State is protected in its right to representation in the General Assembly, the amount of that representation should be regulated by its present population, and not by the population and conditions of eighty-two years ago.

Consider again the town of Union with its 431 inhabitants and its two representatives. There are in the State eighty-four towns which are entitled to send only one representative to the legislature, every one of which, with but a single exception, has a larger population than the town of Union; and there are many other small towns sending two representatives, while towns of greater population and greater wealth and a larger territory, are allowed to send only one. What possible explanation or reason can be given, what would justify such a condition of things in a state that pretends to a government of the people by the people and for the people?

It has been carelessly assumed heretofore, by many of the speakers and writers upon this subject and by a part of the press of the state, that any attempt at a readjustment of representation, was an attack

upon the rights and privileges of the smaller towns, and wholly redounded to the benefit of the cities of the state. But it will be seen by these figures that the towns are more deeply interested in having justice done in this matter than are the cities. Of the eighty-four towns which are entitled to send but one representative, it is evident that all are unjustly discriminated against, excepting the town of Andover, for so long as the town of Union, the next smallest town in the State, has two representatives, injustice is done to every one of the other towns having a larger population and one representative: so as a matter of fact eighty-three of the towns are unfairly treated as well as the larger cities. It is true that the degree of injustice appears greater in the case of the latter, but it is only a question of a degree, for the principle remains the same.

As showing that this is not a party question, we refer in the appendix, pp. 116 and 120, to two editorials upon this subject in the New Haven *Palladium*, one of the leading republican papers of the state, and quote here a few lines from one of them:

"Assuming that the town system of representation is a vital part of our system of government, about the certain destruction of which, by a constitutional convention, the *Courant* exhibits a great deal of needless worry, we ask our esteemed contemporary once more to tell us why towns like Union and Killingworth and Hartland, with a total of some 1,500 inhabitants, should continue to send six representatives to the legislature, while towns like Orange, Branford and Seymour, with more than 12,000, send only three. Surely this is unjust and the people see that it is. If such injustice is maintained by the republican party, then the people will vote against us. No party can thrive on injustice, least of all our party, born of the people."

Reference is also made to a table showing the population of all the towns and cities in the State, arranged in order from the smallest to the largest, and the representation allotted to each. Appendix, p. 136.

It should be clearly borne in mind, that the admission that the present system of representation works great injustice to certain towns, is by no means inimical to the idea of town representation or of township government. The true friends of that principle are only desirous that the system based upon it, shall be based upon reason and justice in order that it may not be discredited, and that an outraged community may not at some future time, smarting under the injustice of the present system, arise in its might and abolish it altogether.

We believe that the towns should preserve their autonomy. We believe that each town is entitled to individual and separate representation in the legislature. We believe that the towns should be protected in all their rights, and also that the people should have all their rights. We believe in popular government which is synonymous with fair representation, and we believe that the honest-thinking citizens of the smaller towns believe the same.

The claim that the town is the political unit, self-existent and self-governed, has been made, but its absurdity is shown when carried out to a logical conclusion, and as a theory it is discredited both in the history and jurisprudence of the State. Vide argument of Henry C. Robinson, *supra*, p. 18.

The moral effect upon the residents of these smaller towns which are unduly favored, and upon the citizens of the State, of having such a system of legalized injus-

tice maintained year after year, is too serious to be lightly considered. But every citizen sooner or later must come to the realization that popular government in Connecticut is a sham; that the State has not kept up to the high standard that was adopted by its founders; that many people are enjoying unusual and unjust advantages in violation of the spirit of the constitution, through the refusal of the legislature to enact laws in accordance with present conditions, and that a different code of morals is applied by many of our citizens to politics and to statecraft from that which governs them in business and social affairs. Such a condition cannot fail to be in the highest degree injurious to the moral sense of any community. It is repugnant to all feelings of justice and fair play, and it is a well known fact that there are many of the citizens of these smaller communities, which have inherited an unjust preponderance of power, who would be only too willing to surrender all but what is their just due and have the evil rectified.

The writer knows from his own experience and observation, that this is the case in his own home, in one of those smaller towns which is unjustly favored at the expense of others, and he believes strongly that the sense of fairness inherent in the people of the State, will cause many other like communities to insist, that justice shall be done to every town and city in this matter of representation.

CHAPTER XII

INJUSTICE TO CITIZENS

BESIDE the cities and towns of the State, there are other organizations, which suffer by reason of the unjust discriminations and restrictions flowing from the constitution, to the great detriment of the State. Reference is now had to those associations of citizens who have banded together with a common purpose, in order to bring about what seems to them some important social or governmental reform, such as the Law and Order League, the Retail Merchants' Association, the Federation of Labor, the Temperance Associations, the Civil Service and Good Government Clubs, and the Constitutional Reform Association. Such associations have become common of late throughout the country; they are in most instances composed of sincere and disinterested citizens, who are banded together to work unselfishly for certain results, which in their opinion tend to the well-being of the community. In many other States they have become powerful, have achieved results in the direction of the enforcement of law, the prevention of crime, the purification of politics and the passage of good laws; but in the State of Connecticut, solely by reason of the restrictions and discriminations of the constitution, and the laws enacted under it, they have been unable to obtain any adequate or fair representation, or to accomplish in any satisfactory degree the objects of their existence.

The Law and Order League is an organization which has the sympathy and support of many of the best citizens of the State, but it never can succeed in accomplishing its various objects, among which are the enactment of good laws and their enforcement, unless it begins at the source of the stream, which is in this case the fundamental law under which we live,—the State Constitution. So long as that is corrupt, the results that flow from it will surely be the same, and the injustice, inequality and unfairness of our constitution, as applied to the conditions and circumstances of the present day, make it essentially corrupt in its operations. Let the people who are interested in the success of the Law and Order League, consider this question comprehensively: let them realize that in order to have the right kind of laws passed, and the enforcement of such laws, they must begin at the source of all law. Let them then fearlessly announce that it is their intention to endorse at the polls, that party or those men who propose to rectify this system of legalized inequality and unfairness, and they will soon see that it will be much easier to accomplish the object of their organization.

Another reason beside that of abstract fairness should impel them to this course. As the legislature is now constituted, it is a practical impossibility for the Law and Order League to secure any representation in either branch, because from the necessities of the case, those interested in the League are principally found in the large cities of the State, and as is well known, the cities of the State of Connecticut are well nigh disfranchised.

Suppose, however, that the constitution provided for equal representation, and that the City of New Haven was entitled to send twenty representatives to the legislature instead of two. Is there any doubt that with the city subdivided into twenty districts, the Law and Order League would be able to elect, not only one but several of the representatives from the city? Whereas, under the present system, the two representatives elected at large are invariably secured by one or the other of the dominant political parties. The members of the Law and Order League do not appreciate their power, nor do they know how properly to use it. They should learn a lesson from the independent voters of the country, formerly called mugwumps, who have increased so largely in the last few years, that in many States they hold the balance of power and decide elections as they wish. Let the members of the Law and Order League realize that in state elections at least, in order to achieve their objects, they should vote independently of the party to which they are affiliated on National issues.

Independent thinkers should become independent voters, and vote for the party and the men who seem most sincere and most earnest in desiring to accomplish needed reforms, even though they differ with that party and those men on National issues. The persistency with which many of the best men in the State continue to vote for the candidates of that party which has refused to fairly consider the question of a constitutional convention, and has shamelessly within the last few years violated its pledges, to remedy some of the most flagrant evils of our present consti-

tution, reminds one of the many years when the ministers of the South, and many in the North as well, attempted to justify slavery as a divine institution, and cast all their influence and their votes against the little band of abolitionists, who were endeavoring to amend the national constitution in order to procure justice and equal rights for all. In one case slavery was the law of the land and its maintenance was desired by those who would profit thereby in pocket, power and position. In the other case, the outrageous inequalities of the constitution of 1818 are still the law of the State, and upon this condition of affairs being maintained, depends the ability of the machine politicians to continue in power, even when they poll fewer votes than their opponents.

On the 26th of September, 1894, the Rev. Dr. Newman Smyth, pastor of the Center Church of New Haven, as President of the Law and Order League, in a letter to the Board of Police Commissioners, calls upon them to see that the violators of the license law and the gamblers be properly dealt with.

Would not the Law and Order League be more sure of accomplishing its purpose, if it were to put itself in a position where its members could have some voice in framing the laws, and in the selection of the members of the Board of Police Commissioners, instead of waiting until they are chosen by our present defective methods, and then pleading with them to do their duty?

Would it not be the part of wisdom for the Law and Order League to go back to the fountain head of all Connecticut laws, and demand that the entire system be revised and changed on the basis that the vote of every man shall be of equal power and effect

to that of every other man, that the vote of the members of the Law and Order League in the City of New Haven, shall be as powerful in choosing the legislators of the State, who frame our laws, as the vote of the inhabitants of any other town or city? Would they not be wise to array themselves, regardless of party, on the side that advocates and pledges an honest and a perfect ballot law, an efficient corrupt practices act, proper regulation of the lobby and a constitutional convention.

The only way that reforms in government can now be achieved, is by the action of the independent voters, who do not hesitate to say to the party managers, we shall vote with you if you pledge your party to the changes which we desire, if you faithfully carry out these pledges when in power, and if you put up men as candidates for office who represent those ideas. Otherwise, and in case your opponents comply with these terms, we shall vote against you and with them.

Only in this manner have civil service reformers been able during the past twenty years to bring about the great change that they have desired. The managers of the prevailing party in the State of Connecticut feel, that although the members of the Law and Order League who belong to that party, sincerely desire the accomplishment of the reforms so ably stated and advocated by their worthy president, that they love their party more and will always be found on election day voting the straight ticket. It is for this reason that the party has dared to openly violate its pledges, regarding constitution and ballot reform in the past few years.

As proving this, recall the recent proposition to have the County Commissioners elected by the people, a reform greatly desired by the Law and Order League and the Temperance party, as well as by the democratic party, which so stated in its platform. If the republican party had not felt certain of the votes of the republican members of the League in any event, it would have been compelled to incorporate a similar plank in its platform, and the reform would have been accomplished, always providing that they kept their pledges.

The intelligent leaders of the different Labor Organizations of the State, are beginning to realize that under the present system, it is impossible for them to secure their rightful representation in the legislature, whereas, if the cities in which these organizations are found, were given equal rights in the matter of representation with the country towns, it would be entirely possible for them to send their own representatives to the legislature, and guard their interests and secure such legislation as they might be entitled to.

During the last campaign the demand for a constitutional convention was endorsed by the various labor organizations in the State. They asserted that the workingman's vote should count for as much in Hartford as that of any other man in the State, and denounced the system by which voters in the large cities are practically disfranchised.

The same reason applies to the temperance vote of the State. Under the present system it is hardly probable that they can ever get a fair representation in the legislature, whereas, if representation were

in accordance with population, their power would be greatly increased. This has been partly appreciated, for the advocates of temperance have at different times endorsed the demand for a constitutional convention.

If the cities had fair representation, the Retail Merchants' Associations, organizations composed of prominent business men and tax-payers, whose avowed purpose is to secure proper legislation in regard to credits, taxation, etc., would undoubtedly be able in many of the cities, to elect their own representatives to the legislature, who would personally advocate these reforms, and no one can deny that such men are entitled to be thus represented.

CHAPTER XIII

METHODS OF CHANGING THE CONSTITUTION

IN the discussion of this subject, the way in which a change should be accomplished has naturally received considerable attention. Two methods have been proposed in addition to the one provided in the organic law: one by means of a constitutional commission and the other through a constitutional convention. The method provided by the constitution itself is Article XI of that instrument and reads as follows:

ARTICLE ELEVENTH.

Of Amendments to the Constitution.

Whenever a majority of the house of representatives shall deem it necessary to alter or amend this Constitution, they may propose such alteration and amendments; which proposed amendments shall be continued to the next General Assembly, and be published with the laws which may have been passed at the same session; and if two thirds of each house, at the next session of said Assembly, shall approve the amendments proposed, by yeas and nays, said amendments shall, by the Secretary, be transmitted to the town clerk in each town in the state, whose duty it shall be to present the same to the inhabitants thereof, for their consideration, at a town meeting, legally warned and held for that purpose; and if it shall appear, in a manner to be provided by law, that a majority of the electors present at such meetings shall have approved such amendments, the same shall be valid, to all intents and purposes, as a part of this Constitution."

It will readily be seen that this method, if it were the only one possible, is open to grave objections, and that the will of the majority of the people of the State

could be constantly defeated, by reason of the long delay necessitated before an amendment can receive its final approval. The history of proposed amendments during the past eighty years fully confirms these objections, for since the adoption of the constitution ninety-six amendments have been proposed by the house, but only thirty-four of these were ever submitted by the following General Assembly to the people for an expression of their views.

Naturally the legislature resents any attempt on the part of the people, to amend the constitution so as to in any way restrict its power, and although a large majority of the people may insist upon some amendment of this sort, the requirement that it shall be approved by a two-thirds vote of the General Assembly, is usually sufficient to defeat their expressed wish.

This was illustrated in the case of Article X of the amendments, providing for the election of Justices of the Peace by the people, instead of their appointment by the General Assembly, which reform took many years to accomplish, and had to pass four different houses before it was finally submitted to the people for their action.

The method of amendment by a constitutional commission, amounts to nothing more or less than having the proposed amendments prepared for the legislature by a commission of their own choosing, and is open to all the objections of the way just mentioned. There is also danger of greater delay, and that the members of the commission may be unfairly chosen by the legislature, and may not be true representatives of the will of the majority of the people.

A convention composed of members elected directly by the people, for the purpose of proposing amendments and a complete revision of the constitution directly to the people, for their approval or rejection, seems to be the most equitable, expeditious and direct method of any that has been proposed. The legality of this mode of procedure, however, has been faintly questioned by the opponents of constitutional reform in the State, on the ground that the constitution does not give the Assembly any power to call such a convention, and that the method provided in Section XI should be considered exclusive. But it is easy to show that this objection has no sound basis. The Constitution itself in its First Article declares,—“that all political power is inherent in the people, and all free governments are founded on their authority, and that they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient.”

Jameson, in his admirable work on the constitution, instances many States where conventions have been called by the legislature without there being any specific authority to do so, and he states on page 211 :

“That whenever a constitution needs a general revision a convention is indispensably necessary, and if there is contained in the Constitution no provision for such a body, the calling for one is believed to be directly within the scope of the ordinary legislative power, and it must be laid down as among the established prerogatives of the General Assemblies, that the Constitution being silent, whenever they deem it expedient, they may call conventions to revise the fundamental law.”

The objection that this method is unconstitutional and revolutionary, has been declared invalid by the

courts and by many prominent authorities, among whom are some of the leading republican lawyers of the State.

In 1873 the Hon. Henry B. Harrison, who has since been Governor of Connecticut, was a member of the lower branch of the General Assembly. His devotion to the republican party has never been questioned, but he is too fair-minded a man and too able a lawyer, to be a partizan where the political rights of the citizens of the State are concerned. Speaking on the bill for submitting to the people the question of calling a constitutional convention, he said :

"It is said that this is a revolutionary proceeding—that the people of the State cannot make a constitution. The people of Connecticut once had the power to establish such a constitution as they saw fit, and they did it. They made the first written constitution the world ever saw, and in 1818 they exercised the power to supersede the old and gave us the one we now have. The power of a free people to change their form of government in a peaceful manner is undeniable. When they say an amendment can be made in a certain way, they do not abrogate all power from themselves to alter it as they see fit. The general sweeping power is reserved to themselves. The people have a right to make a constitution, and the legislature has the right to make a law under which they can act.

In twenty-five states which were situated just as we are, conventions were called and duly established, and Jameson asserts that it is too late to submit the question whether the people have a right to call a convention. With all the routine of legislative duties, in committees, etc., acting on public and private bills, all of which must be discussed, is it possible for the legislature to consider properly the question of a new constitution? Let us go at it as did our forefathers, and attend to it in convention."

With reference to the method of changing the constitution and the right of the General Assembly to call a constitutional convention, whose action if ratified by a majority of the people of the State would be binding, a prominent republican, who has been Governor of the State, says:

"You will notice that no provision is made for a constitutional convention, but the question arises, if the General Assembly should decide that a constitutional convention should be held, and the people should elect delegates who should agree upon a new constitution or a revision of the old one, and this should be submitted to and approved by the people, who shall raise the question as to the legality of that constitution? It will be the act of the people. No town can raise the question of its validity, it seems to me, and I do not see that any court can be called upon in any way to pass on the question. . . . The people, I take it, are supreme. It was by direction of the people that the old constitution was formulated in 1818, and if the people had the right to make this constitution, they have the right to make another and substitute it for it."

In a very able paper the Hon. Simeon E. Baldwin, referring to this subject, says:

"These figures tend to show that the plan of amending the constitution by a *referendum* to the people is less likely to secure their interest in the work, than that of acting by their delegates in a constitutional convention.

There is no State in the Union but our own that has not held such a convention since 1818.

The right of the legislature to call one, where the constitution makes no express provision for it, has been affirmed by the practice of many States, and the courts of Pennsylvania. Hartford has been the seat of two constitutional conventions, nearly two centuries apart. A 'land of steady habits' is slow to abandon laws that have been long tried, for laws that are untried. But this is sure, that our frame of government can

regain the symmetry of that of 1639, or of that of 1818, only in the way in which it was then constituted or reconstituted, by a deliberative body of delegates chosen by the towns for that special work."

The people are sovereign and have the right to choose their own form of government, and can make and unmake constitutions at will. The present constitution provides only for alterations and amendments thereof, and does not provide for the calling of a constitutional convention, undoubtedly because such provision would be superfluous, in view of the fact that it declares, that the people have at all times an undeniable and indefeasible right to alter their form of government, in such manner as they may think expedient. The people are the ultimate power in the State, higher than the legislature and higher than the towns, for a constitution in one sense, is nothing more or less than a limitation upon the powers of the legislature by the people, and the towns, as is well settled by precedent and by the political jurisprudence of the State, are absolutely subject to the rule of the legislature.

In considering the most desirable method to be pursued, in bringing about the much needed changes in the fundamental law of the State, it seems proper to refer again to what is probably the most important defect in the present constitution, and to the remedy that will be proposed by the members of the coming Constitutional Reform party in the State; for without doubt such a party will soon be formed, by the united action of the great mass of voters who are determined that these needed reforms shall be made, and that Connecticut shall no longer remain the State of "rotten borough" and minority rule.

Those who claim that any attempt to modify the existing system of town representation, by granting an increased number of representatives in proportion to population, is an attack upon the system itself, and would result in wholly undermining the principle of town government, must either know that such a claim is false, or they show a very imperfect knowledge of the history of town government as exemplified in the sister States of New England during the past 200 years. In all these States a town system was adopted and has since prevailed, but in most of them, the principle of popular representation, with the people as a political unit, and not the towns, has been fully recognized.

The bill introduced by the republican representative from the City of New Haven, in a recent legislature, for a constitutional amendment giving the large towns the right to send more representatives to the house than the smaller ones, is not considered by him and his constituents to be an attack upon the system of town representation, but simply a regulation of that system in the direction of justice and equity.

CHAPTER XIV

CONCLUSION

IN the preceding pages it will be observed that after giving a brief historical account of Connecticut's achievements as a constitution maker, and of the agitation during the past half century for a change, we have classified the defects of the constitution of 1818 under five general heads, viz.: Unequal Representation, Plurality Elections, and the special imperfections pertaining to the legislative, executive and judicial branches of the government. Directly resulting from these defects, sometimes from one, but more often from several of them, we have pointed out the evils of unequal taxation, civic corruption and various forms of injustice.

The method of treatment of the subject has been to give a comprehensive view of its historical and legal aspects, and to discuss the questions raised in a non-partizan and philosophic spirit, with special reference to their influence upon the civic and moral welfare of the people, and upon the fair name of the State.

In Connecticut, so long known as the "land of steady habits," the people are slow to make radical changes, especially when they concern her organic law. The spirit of conservatism has always controlled their action, but the intelligent people of the State do not believe that lack of progress is a part of wisdom, and they should bear in mind that there are two kinds of conservatives,—those who hold fast to the old because it is good, and those who are like the hen that keeps on sitting on stale eggs.

This long contest for equal representation in Connecticut, lasting for half a century, has a most striking historical counterpart in the agitation in England over the reform bills involving this identical question, which lasted nearly forty years before the first victory was won, and a hundred years before it was made complete by the British Reform Acts of 1867-68, concerning which we quote the following from Sir Thomas Erskine May:

"As society expanded, and new classes were called into existence, the pressure of public opinion upon the legislature was assuming a more decisive character. The grave defects of the representation were notorious, and some minor electoral abuses had been from time to time corrected. But the fundamental evils,—nomination boroughs, limited rights of election, the sale of seats in parliament, the prevalence of bribery, and the enormous expense of elections,—though constantly exposed, long held their ground against all assailants. So far back as 1770 Lord Chatham had denounced these flagrant abuses. 'Before the end of this century,' he said, 'either the parliament will reform itself from within, or be reformed with a vengeance from without.' In 1782, and again in 1783 and 1785, his distinguished son, William Pitt, condemned the abuses of the representation, and proposed schemes of parliamentary reform. In 1793 Mr. Grey (afterwards Earl Grey) submitted a motion on the same subject; but the excesses of the French Revolution, political troubles at home, and exhausting wars abroad discouraged the supporters of reform for many years. Under more favorable conditions the question assumed greater proportions. Lord John Russell especially distinguished himself in 1820, and in several succeeding years, by the able exposure of abuses and temperate schemes of reform. His efforts were assisted by the scandalous disclosures of bribery at Grampound, Penryn and East Retford. All moderate proposals were rejected; but the concurrence of a dissolution, on the death of George IV. with the French Revolution of 1830, and an ill-timed declaration of

the Duke of Wellington that the representation was perfect and could not be improved, suddenly precipitated the memorable crisis of parliamentary reform. It now fell to the lot of Earl Grey, as premier; to be the leader in a cause which he had espoused in his early youth."

One of the greatest and most satisfying incidents in British history in connection with these reform bills, was the spectacle of that great statesman, Earl Grey, in his 68th year, as Prime Minister bringing to a successful issue the reform bills which, as Mr. Grey, he had advocated in the House of Commons forty years before; and we feel sure that a personal allusion here will not be inappropriate, when we express our deep regret, that the man who has been the most prominent advocate of constitutional reform in the State of Connecticut for the past fifty years, the Nestor of Connecticut journalism, who has so recently been removed from us, was not spared to behold the accomplishment of this work which was so near to his heart.

Let any one who has the slightest doubt how this question strikes the mind of any disinterested person, who has never before reflected upon the system; state the situation frankly and accurately, explain in detail the present method of representation in the State of Connecticut, and see if in every case the conviction is not expressed, that it is an outrageously unjust method, and the only wonder is that the people of Connecticut are willing to endure it for a day.

A system such as this must surely undermine and sap the foundations of all political morality, and thus work untold injury to the people of the State. And in concluding we appeal to the conscience of the people

of Connecticut regardless of party, to unite in overthrowing a system which is so palpably wrong and has borne such fruit.

Are we to abandon the beliefs on which this government was founded; the belief that all men are free and equal as regards political rights? Are we to abandon the belief that a government of the people and by the people is the best form, and that the expressed wish of the larger number of people ought to govern? Are we to admit that popular government is a failure, and that any attempt to obtain under it equal justice, is what a prominent politician once called an "irridescent dream."

This is not a party question and should not be considered such, but is a question of right and justice; a question of progress or old-fogyism; a question of maintaining the position of Connecticut in her proper place among the States of the Union; a question of advancing the best interests of the State, by availing ourselves of the results of the experience and the accumulated knowledge of the past fifty years; a question of self respect to those whose interests are now sacrificed to gratify the wishes of a few party leaders.

As proving that this is not properly a party question, we need only refer to the many citations from the republican newspapers of the State found in the appendix, all of them advocating constitutional reform in general, or in some particular.

A careful examination will show that every one of the five defects of the present constitution, has been condemned and reform urged, by some one or other of the leading republican citizens and newspapers.

It is true, however, that the Democratic State Convention at Hartford, September 14, 1892, at which they nominated a State ticket that was elected by a majority, adopted unanimously the following resolution as defining the position of the party upon these subjects:

"We declare for a constitutional convention initiated by an act of the General Assembly, first submitting to the electors the question whether a convention should be held or should not be held, and finally again submitting to the electors for their approval or disapproval the form of a constitution proposed by the convention, and we pledge ourselves to revise the state constitution, to provide for the election of state officers by the greatest number of votes cast, for the election of county commissioners by the people, for a just system of representation in the General Assembly, and for such further reforms as will restore self-government to Connecticut."

With all this talk of corruption and bribery, of injustice and lack of progress, we must remember that it is the system and not the commonwealth at large that is to blame. The people of the State, by a large majority, any time within the last generation, would have voted for the constitutional reforms, necessary to correct all these abuses if they had ever been given the opportunity. But the people do not rule in Connecticut. The minority rules. It is an oligarchy that controls the destinies of the State. The political bosses and machine politicians, taking advantage of the splendid opportunity, offered by defects of the antiquated constitution when applied to the present conditions, have been enabled to shape the destinies of the commonwealth ever since the war, and to lead her into her present disgraceful position in the sisterhood of States.

If it be true that history repeats itself; if it be true, as stated in the preface, "that the people themselves can be depended upon to work for right and justice, whenever they fully understand and appreciate the situation"; if it be true that in the end right is bound to prevail, then it is true that the constitution of 1818 is doomed.

Every student of Connecticut's political history will admit, if talking frankly, irrespective of his political affiliations, that before long these glaring inequalities must be swept away. But whether that time be within the next few months or within a few years, this top-heavy piece of constitutional patch-work, with only eleven original articles and twenty-nine amendments, is destined to go down in history as the greatest piece of political hocus-pocus, as the most startling example of successful political chicanery, that the world has ever seen, as the most successful illustration of the fact, that there are conditions when political managers can fool the people almost all the time.

A constitution that the State has outgrown, that is fatally defective, that is at variance with its own original principles and with the intentions of its founders; a constitution that has become a hot-bed of injustice and corruption, that vitiates all attempts at framing good legislation under it; condemned by statesmen of both parties, yet retained and defended by the party managers because of the fact that it gives them power unfairly and unjustly; retained by them in spite of the protests of the better element of their own party, many of whom for years have gone on protesting, and then voting to sustain it, because they could not withstand the temptation to defend its manifest injustice, in order to retain their party in power.

APPENDIX

Since democratic journals would be subject to a charge of party bias regarding the constitution, the following extracts are taken from the editorial columns of the leading republican and independent papers of the State.

New London Day.

There is a natural sense of justice in mankind, particularly in self-governed mankind, that protests against an arbitrary rule like that in Connecticut which, refusing to give an office to one man who fails of popular majority, yet gives it to another man who came even farther from such a majority. To make the rule reasonable, to satisfy that sense of justice, it would be necessary to keep holding popular elections until someone did secure a majority.

Come, men and brethren! Isn't all this so, and isn't it honestly and fairly time it was stopped? Isn't it from any point of view better, because it is right and true, to amend the Constitution?

We Republicans have stood by the old Constitution which we didn't make, from a sense of loyalty and from a feeling that the wisdom of the fathers ought not lightly to be condemned. Perhaps our feelings, too, were slightly tempered by self-interest. But when we look the situation fairly in the face, ought we not, in that sense of justice and righteousness in which the Republican party had its birth, which has been our

glory in the past, and is our hope in the future, to take the initiative in the House of Representatives, and pass a resolution submitting this question of the amendment of the Constitution to the sovereign people of Connecticut?

New Haven Palladium.

Twenty years ago the *Palladium* was in favor of constitutional reform and by a constitutional convention. It believed then, as now, that no thorough reform could be made, except by calling a convention elected by the people as was the convention of 1818. The bill prepared in 1873 and advocated by the Hon. Henry B. Harrison, and which provided for a constitutional convention at that time, was, in the opinion of the *Palladium*, just and right. The movement for the reform was supported at that time by such men as ex-Governor Harrison, Rev. Dr. Leonard Bacon, Nathaniel Wheeler and others.

The *Palladium* believes that Connecticut needs a new Constitution, and that the people have a right to vote upon the question at an early day. Let the question of constitutional reform, and a convention, be treated on its merits, free from partizan pressure, and there is no doubt of the result. Thousands of Republicans agree with us in these views. Let them not be driven out of the party by following the stupidly obstructive tactics of the federalists of 1812-18.

Meriden Journal.

The Democratic idea seems to be as fair as one could wish, giving to the sovereign people so directly as it does, the control of the whole matter of consti-

tutional reform, and it is far ahead of the Republican plan in the matter of saving time. We want no more delay than is absolutely necessary. The people and papers of both parties are in the right temper now, and the revision or amendments should be put through as quickly as possible while this spirit prevails.

Hartford Courant.

We think that no candid man who views our system of representation rightfully, and who is not prejudiced by the power which it improperly flings into the small towns, will continue to advocate its preservation, when they see the injustice and inequality of its nature, and its anti-Republican tendency.

Our representation is not based on the *actual number* of the people (inhabitants, if Mr. Calhoun prefers it). An objection is urged to this ratio, on the ground that Representatives should be proportioned to the voting constituency, and not to the aliens, women and children. We do not see the force of this objection. Although the latter class do not enjoy some imperfect privileges under a Republican government, they are all entitled to the perfect rights of protection. This mode of representation is certainly the most democratic, and was assumed as such when the State was districted for the choice of Senators and members of Congress.

Neither is our representation based on the *actual number of voters* in the different towns. If it were so, it would furnish a better foundation than the one now in use, though not so complete as that constituted on the numbers of inhabitants. There are many persons, especially in our large cities, who, though entitled

to the privilege, yet never claim it, or take the necessary steps for qualification.

Neither is our representation based on the *number of rateable polls* in the towns. This basis has been assumed in some States, particularly, if we remember rightly, in Massachusetts, and perhaps there are some voters in this State who would prefer it. It certainly is more equable and just than our present mode. The existing system in this State IS A REPRESENTATION OF CORPORATIONS, not of the people. Each incorporated town, if such act of corporation were passed previously to the Revolution, is entitled to two representatives; if since that period, to one. No matter how large or how small these towns may be; no matter how many or how few inhabitants or voters, or taxable polls there may be, the representation is the same. Hence we are fully justified in the assertion that the *House of Representatives* in Connecticut are CORPORATION DELEGATES, and not *representatives* OF THE PEOPLE. Is this democratic? Are the *rights of the people*, as such, secured by this form of government? Can the privileges of all classes of every description be regarded as safe, under a representation from Corporations, instead of one direct from the people?

The inequality of this mode of choosing the lower House is very easily seen, and but few examples are necessary to exhibit it. At some future time, we stand prepared to state these examples at length, and to manifest clearly the great injustice done to some parts of the community, by allowing ourselves to be governed, through small corporations, by a minority, whether of the inhabitants, or people, or voters.

Waterbury American.

We don't know whether the Republican party can be beaten in this State at the next election or not. If anything will help to that end it will be the defeat of the plurality amendment to-day. It is a repudiation of party pledges that would be only possible under conditions of arrogant party confidence. The devil is in too good health to be a saint. We congratulate Representative Hall on his higher sense of party duty and party honor than that of his colleague.

The Norwich Bulletin.

The rejection of the bill is discreditable to the Republican party, and we believe contrary to the will and wish of the people of Connecticut. It makes the Republicans appear to be the cheats and tricksters their opponents charged them with being. The leading Republican papers in the State have labored earnestly, for the honoring of the pledge of the representatives of the Republican party to the people in the legislature of 1893, and can wash their hands of all responsibility for this dishonoring and party-injuring act.

The Windham County Transcript.

The honest voters of the State of Connecticut want the plurality amendment passed by the present legislature. The exhibition of peanut politics by some members in the discussion of this question, shows how blind they are when they place party first and justice last. "He serves his party best who serves his country best." It is right—and best for the Republican party,

too—that the people should be given an opportunity to decide for themselves this question. Can't you trust the people?

New Haven Palladium.

We have been patiently waiting for some time, to have the *Hartford Courant* answer the questions which we put to it so often in regard to holding a constitutional convention; yet our esteemed contemporary makes no sign. It is as dumb as any of the oysters which fatten at the bottom of New Haven Bay.

Is it possible that, after all its reform talk, it is going to be contented with the passage of the single amendment, looking to the election of State officers by a plurality vote in 1896? If it is going to be contented, does our esteemed contemporary believe that the people will be?

This is the great question for the Republican party to consider.

We believe in Republican principles, and we want to see them triumph. For that reason we desire to see the Republican leaders in this State give the people what they wish. If they do, then the Republican party will again be triumphant in this State; and, if they do not, it won't. We are convinced from a large amount of information received during the past six weeks, much of it in the form of letters from voters accustomed to act with the Republican party, that the people desire a thorough constitutional reform, and they desire to attain it by means of a constitutional convention. And if the only reform should be plurality elections, the people desire to have it with-

out the delay which must ensue, should it be achieved by the instrumentality of the legislature.

That a Republican paper like the *Courant* should be afraid of the people—afraid to trust the question of constitutional reform to a convention chosen by the people—is really humiliating. The *Courant* assumes that a convention would amend the constitution to the detriment of the Republican party. What is the basis of this assumption? Now we are not afraid of the people of Connecticut. We do not believe that their representatives in constitutional convention assembled, will do anything to the detriment of the commonwealth. The people of Connecticut can be trusted. It seems to us that the *Courant* puts itself in a very bad position when it asserts that they cannot be, and it does so assert, when it claims that a constitutional convention will necessarily do acts inimical to the Republican party. Thorough constitutional reform will not hurt the Republican party; it is opposing it that has hurt and will hurt it.

Assuming that the town system of representation is a vital part of our system of government, about the certain destruction of which, by a constitutional convention, the *Courant* exhibits a great deal of needless worry, we ask our esteemed contemporary once more to tell us, why towns like Union and Killingworth and Hartland, with a total of some 1,500 inhabitants, should continue to send six representatives to the legislature, while towns like Orange, Branford and Seymour, with more than 12,000, send only three! Surely this is unjust, and the people see that it is. If such injustice is maintained by the Republican party, then the people will vote against us. No party can

thrive on injustice, least of all our party, born of the people. The *Courant* should dismiss its terrors and have confidence.

Derby Transcript.

The Republicans in the legislature who are attempting to ward off constitutional revision, are injuring their party and playing into the hands of the Democrats. At the next State election the Democracy can have no better issue to go before the people with, than the failure of the Republican legislature to enact an equitable and just revision of the constitution.

Bridgeport Post.

The attitude of Republicans who are trying to defeat constitutional amendments now before the General Assembly, providing for plurality elections and for an enlarged Senate with districts of equal population, will do more to injure the party in power than anything that has been done by the present legislature. There is a demand for the changes, and to ward off a constitutional convention, the Republican House of two years ago wisely did not attempt to defeat these measures. The Assembly should pass the two amendments and thus satisfy the people of the State. If they do not there are thousands of independent voters who will rise up in the near future, tear from the party its power, and give the Democrats an opportunity to regulate this matter as it believes right.

Litchfield Enquirer.

We are glad the issue is made so plain. The Republicans have hurt the State, greatly damaged their party

reputation and given the Democrats a splendid State issue. In this State they can never again claim to be the party of "great moral ideas." They have played a clear bunco game and the voters are on to it.

Ansonia Sentinel.

It is a pity. The party which goes before the people making distinct pledges of reforming the constitution, and then deliberately refuses to keep its word, forfeits the confidence of the people, causes disgust and deserves reprobation.

Bridgeport Post.

The Republican House evidently does not realize what it did. It dug its own political grave and then clapped joyfully. It betrayed the people of Connecticut who last Fall trusted to the Republican party the duty of righting a wrong. It defeated an amendment which is designed to do justice to the people.

Putnam Patriot.

The worst job yet of this disappointing body of representatives, was the defeat in the house on Wednesday of the proposed amendment to the constitution, providing for the election of State officers by plurality instead of majority vote as at present. This is an open flagrant violation of the pledge of the Republican party.

Stamford Advocate.

Another lesson the convention teaches, is that the system of representation is one that makes it easier for a boss to rule. So long as the largest city in the

State, has the same representation as a town with one-fortieth of its inhabitants, so long will the boss, once placed in power, be able to retain control, when he can use "influence" in the little country villages, where, no matter how much may be said about corruption in the cities, it is easier to control a caucus or an election by the use of money, and other "influence" known to the machine and lobby.

Hartford Courant.

The Republicans of the last General Assembly started on their way, in constitutional fashion, amendments which will give us plurality elections of State officers, and a Senate re-adjusted to have the districts of equal population. The party is committed, and it is committed in accordance with the wish of the people. The inflammatory talk about a forced constitutional convention, was met and rendered harmless by the first passage of these two amendments.

For the party to stop now and fail to carry to completion the legislation that it endorsed and initiated, would be, as the Democrats say of their own measures, "perfidy and dishonor." The Republican party doesn't do things that way.

It has set out to secure these reforms and it will, it must secure them. Its honor is involved. The State convention, in the hurry and confusion of prolonged balloting, struck out from the party platform everything relating to State matters. Thoughtful men were so much occupied with the subject of the ticket, that they let this very peculiar policy pass unquestioned. Of course nothing is more in order in a State

convention than State matters. The one presentable reason for omitting them, is that the position of the party is so well known as not to need restating.

Hartford Courant.

That the General Assembly is going to find plenty to do when it comes here must be evident to every member, who will just ask the first intelligent constituent whom he meets what is wanted from the legislature.

For one thing people want an honest secret ballot law, where some responsible authority does the printing, and under which there can be no such quibbles over title, spelling and punctuation as this law has developed. "Disfranchisement by a comma" was Lawyer Case's forceful designation of what brought about our discreditable deadlock. We've seen 1,000 Democratic majority in 1892 turn to 13,000 Republican majority in 1894. A pendulum that swings like that, may yet stick at some point where every vote is needed, and where our present law may again, and this time not without warning, land us all in trouble.

Then there is already a profound public sentiment against vote-buying; of course, this includes vote-selling, there'd be few sales if there were no corrupt and corrupting buyers. People want a genuine, sweeping, decisive corrupt practices act. And, not only this, among its penalties they want to have it included that whoever sells, and whoever buys a vote, shall be disfranchised for life, and disqualified to hold office under the State that he has undertaken to undermine. This would quiet some "Statesmen", as the dim pros-

pect of a fine and the imperceptible shock of a disgrace could not do.

Besides these things, people want to be rid, root and branch, of our demoralizing and demoralized county commission government. It has hopelessly discredited itself. Specious arguments for its maintenance are presented, and the lobby, the place-hunters, and the reform haters are all agreed that the office shall be continued. The people, however,—and there are quite a number of them,—have had enough of it. It will go some year, if not next year.

Whether that goes now or not, the liquor licensing must be divorced absolutely from the other county work. Playing high and low with the fees, and trying to dragoon the saloon-keepers into service at elections is played out. It doesn't even do party duty any longer.

Then there are the two pending constitutional amendments, one to re-district the State, and re-district it equally, for the election of senators; the other to have a plurality elect State officers. These are right. That's the reason for confirming them. The Republican party has already endorsed them; that binds it to them now. And, as for policy, Great Scott! Our State officers got about 17,000 plurality each and we carried every senatorial district, though we lost the Hartford senator through treachery that is boasted of by its perpetrators and remembered by true Republicans. What possible fear can Republicans have of the amendments under these conditions?

Large questions of good government these; full, too, of moral considerations.

Hartford Courant.

The New Britain *Herald*, democratic ex-Congressman Vance's paper, gleefully prints the following:

"What has become of the talk, especially by the *Courant*, anent the county commissioners, and the necessity for their obliteration as purveyors of licenses with political strings to them. Undoubtedly they are a detriment to whatever party controls them, and there is no room for doubt that decent men, who have knowledge of their methods demand that the licensing power be put in other hands. There seems to have been considerable pulling in of horns on this subject to which the *Herald* has not been a party, and we now learn that under the present administration they are to be more partizan than ever."

And hasn't the *Herald* reason for its inquiry? Every intelligent person in Connecticut knows that the sentiment of the people of this State demands the abolition of the office of county commissioners—horse, foot and dragoons, the whole concern. Submitted to the people, such a proposition would be whooped through the ballot boxes at the rate of ten to one. But the people do not have the immediate say. That rests with the General Assembly.

And the General Assembly is beset with aspirants for the position and with friends of aspirants. To abolish the office will make every one of these think he has lost the place. Possibly the pressure of this sort is going to prove too strong for popular sentiment, although the legislature can perfectly well abolish the position after all the elections are made, and when nineteen of every twenty applicants are mad and ready to see it go, if they can't get it. Should the General

Assembly fail to do anything to remedy the evils that are notorious, the party and the whole State would be disgraced.

Hartford Courant.

The conviction prevails very generally through the State of Connecticut, that it is time for the present General Assembly to do something.

There's a lot of important work all laid out for it and delay doesn't make the matter of doing this any the easier. On the contrary, if these measures are shoved along, and put off until everybody is headed for home, then whatever is done will have to be done in a hurry.

What ails the honest ballot law?

What is the matter with the proposed Hartford bridge investigation?

Isn't there a corrupt practices act lying around somewhere on Capitol Hill?

Where's that adverse report on the proposal to make gambling a lawful occupation for a short time each year?

Aren't there two vitally important constitutional amendments somewhere in the works, with the honor of the Republican party attached to them?

Was there an anti-lobby bill introduced very early in the session with several others of similar title following it? Where are they?

Haven't Gardiner Greene, Jr., for one, Thomas M. Waller for another, and Albert H. Walker for another, each said openly enough to challenge an investigation by this legislature, as to how Connecticut laws have been made and Connecticut campaigns won?

How soon is somebody going to get up and move that the General Assembly of 1895 proceed to business?

Hartford Courant.

The Republican party repudiating, dodging, facing about and deceiving, is in a new attitude indeed. The leadership that puts it there will sooner or later be repudiated itself; and the *Courant*, which helped to create the Republican party and has ever since been in it and of it, wishes now very distinctly to wash its own hands of any responsibility, for the policy which the selfish interests of a few are undertaking to enforce. If the opportunities of this great reform year are thrown away, and the pledges made before election are left unfulfilled, let those who urge that course be held responsible for the things that follow. We shall continue to record history as it unfolds, and shall in due time print the obituaries of such of the "leaders" of to-day, as happen to be remembered at death, by enough of the thousands of readers of the *Courant* to give the event the quality of news.

Hartford Courant.

The story of the House's refusal to redeem the promise given to the people two years ago, by submitting to them the plurality election amendment, is told in our report of yesterday's legislative proceedings. There, too, will be found the record made yesterday by every representative who was in his seat when the roll was called. When Speaker Fessenden announced the result of the vote, some of the members clapped their hands. It was an ill-timed, ill-omened applause.

It must have jarred on the ears of more than one of the experienced and sagacious politicians who heard it.

The motives of the members who voted "No" yesterday are a matter between themselves and their consciences. Undoubtedly many were misled; it wouldn't be necessary to make any very long search for the smooth-spoken, sinister counselors who misled them. Their record is a matter between themselves and their constituents. Believing that honesty is at all times and under all circumstances the best politics, the *Courant* pleaded with them to redeem the pledged word of the Republican party—to keep faith with the people. We have nothing to add now to what we have already said on the subject, and most assuredly we have nothing to take back. We are grieved that the party should have been thus wounded in the house of its friends, but we make haste to declare that the honest Republican voters of Connecticut have no part or lot in yesterday's work. They have been misrepresented by their representatives. Perhaps the experience may make them more careful and critical in their choice at the nominating caucus hereafter.

The other constitutional amendment—that for readjusting and equalizing the senatorial districts—is still to be acted upon. It is much the more important of the two. To pass it on to the people will be to minimize the evil results of yesterday's action on the plurality election amendment. Every consideration of justice and prudence, party probity and party policy, requires its passage. What avowable reasons are there why any Republican legislator should oppose it?

Hartford Courant.

And the senatorial amendment has been killed too! It needed two-thirds of the votes to carry it and it got one more than two-thirds against it and it is lost.

If it had been imagined two years ago that these two amendments, passed almost unanimously then, would be turned down now, they never would have had a chance to be passed then. The General Assembly would have taken things into its own hands and called a constitutional convention, and by to-day we should have had a new constitution. Nobody knows what that would have been like, but, whatever it was, we'd have had to take it.

That peril was avoided by passing these two amendments, and their passage was approved both for what they were and because a threatened danger was thereby removed. If any Republican had said then that the action of 1893 would do to keep the peace with, but would be repudiated in two years, he would at that time have been called a trickster and would have been denounced all along the line.

But the two years have gone by and the amendments have been killed, although in our opinion, three-quarters of the people and more than a hundred of the towns, if not all of them, would, if they had the chance, adopt each amendment to-day. They expected the chance and they will be disappointed and indignant at what has been done.

The big corporations, which find the control of thirteen senators means the control of all Connecticut legislation, did not want the senate enlarged. The proposed enlargement has been killed off.

The political managers who would have more money to handle if they could bear down on the candidates, with the need of greasing each town so as to have the legislature right, in case the State ticket failed of a clean majority, did not want the majority restriction removed. And it isn't removed.

The political managers who undertake to run conventions, sometimes for love or hate and sometimes for more material considerations, want to be able to stick unpopular men on the ticket, if it seems worth their while. With the majority regulation this can be done; with the plurality rule in effect an objectionable candidate would have to take the consequences and go under. Hence the machine, for this reason also, was against the amendment, and the amendment is dead.

It is a matter for extreme regret, statewide and partywise. As regards the party, we can only say that the rank and file, the sound everyday men who give the Republican party its strength in numbers, in convictions, in morals, want these amendments. They have been beaten by the machine politicians and, to a certain extent, the party will have to take the consequences. But the responsibility ought to be located, and there is where it belongs. It is bad enough to have such men living on the party; but it's worse yet to have them actually succeed in shaping its policy to their short-sighted and selfish notions.

Hartford Courant.

The *Hartford Times* of last evening made the following announcement in cold type:

"It was only a few weeks ago that the Republican party managers, from both within and without the

legislative halls, met with closed doors in a committee room on the upper floor of the Capitol, to determine the policy to be pursued regarding the constitutional amendments, to which their party pledged its support in 1893. At that conference a secret program was arranged under which the defeat of the amendments has been accomplished. Under this arrangement there have been favorable reports from the committee on the amendments; the party managers have given out that there would be little doubt of their approval, by the requisite two-thirds votes of the Republican majorities in both branches, some of the managers have even spoken in their favor on the floor of the General Assembly, and the party organs have taken the cue given them, to lend a seeming endorsement. But back of all this stood the arrangement that the amendments should be defeated, and it has been faithfully carried out. Whether, as has been intimated, the instructions to kill these amendments, were sent out by the State central committee to the rank and file in the General Assembly, we are not in a position to affirm, but the results assuredly point in that direction."

Talk about vague pulpit charges! Why not investigate this charge of conspiracy, hypocrisy and double-dealing? As to the secret meeting and the understanding, if any, that was reached, we have nothing to say, because we know nothing about that. But there are two things that we do know about, and that we are quick to say in connection with this interesting anecdote.

The first is that the newspapers of the party, practically a unit for the two constitutional amendments, were not in any such cheap and dirty game as this

alleged by the *Times*. They didn't "lend" a "seeming endorsement." They gave an actual, earnest, sincere endorsement, and they are to-day ashamed and disgusted at what has been done.

The second thing is that in this they reflect the sentiment of the "rank and file" of the party. The Republicans of Connecticut want the two amendments. They are disappointed and indignant at this additional "stone" instead of bread that has been given them. A great mistake has been made in public policy, and so in party policy.

Hartford Courant.

When the estimates of revenues and expenses of the town for the coming year, were submitted in October the income from licenses was based on a rate of \$500. If the county commissioners have any fitness whatever for business they knew this. They offered no protest nor said anything of an intention then, to make the reduction so suddenly sprung upon the community. The community was a good deal more surprised than those licensees who had been "seen" on the subject already.

Every taxpayer must pay out of his own pocket for this strange, though not unexplainable, action of the commissioners. It is a scandal in itself, but it is only one among many. The people haven't yet forgotten the shameful story of wholesale jail deliveries that was published a while ago. They are sick and tired of the way the office is run and of the way it has been run. It was an offense under so-called Republican management; it offends now under Democratic rule. There's no question of party in the case. It is a question of

decency and good government. So we say again, away with the office. Wipe it out of existence. The jails can be better managed by the sheriffs with a little increase of clerical force. The county homes can be lifted out of their baby farming ill-odor by being turned over to the State Board of Charities. The licensing can be intelligently and honestly administered by the superior court judges, or by a special commission appointed, say by the supreme court—a tribunal of high character above partizanship.

There's no obstacle to the change save such as can be easily overcome. It's time to act. We are now in the reform line. Here is a chance for a genuine and healthy reform with no politics in it, but with the public welfare altogether in it.

CONNECTICUT TOWNS, SHOWING POPULATION AND REPRESENTATION.

CENSUS OF 1890.

No.	Name.	Population.	Representation.
1	Andover	401	1
2	Union	431	2
3	Prospect	445	1
4	Bolton	452	1
5	Warren	477	1
6	Salem	481	1
7	Beacon Falls	505	1
8	Scotland	506	1
9	Wolcott	522	1
10	Chaplin	542	1
11	Bethlehem	543	1
12	Lisbon	548	1
13	Bethany	550	1
14	Eastford	561	1
15	Hartland	565	2
16	Middlebury	566	1
17	Marlborough	582	1
18	Killingworth	582	2
19	Morris	584	1
20	Franklin	585	1
21	Bridgewater	617	1
22	Hampton	632	1
23	East Granby	661	1
24	Sherman	668	1
25	New Fairfield	670	1
26	Columbia	740	1
27	Weston	772	1
28	Ashford	778	2
29	North Branford	825	1
30	Durham	856	2
31	Westbrook	874	1
32	Oxford	902	1

No.	Name.	Population.	Representation.
33	Willington	906	2
34	Woodbridge	926	1
35	Roxbury	936	1
36	Harwinton	943	2
37	Canterbury	947	2
38	Newington	953	1
39	East Haven	955	1
40	Canaan	970	1
41	Goshen	972	2
42	Lyme	977	2
43	Brookfield	989	1
44	Monroe	994	1
45	Easton	1,001	1
46	Middlefield	1,002	1
47	Bozrah	1,005	1
48	Tolland	1,037	2
49	Hebron	1,039	2
50	Sterling	1,051	1
51	Voluntown	1,060	1
52	Rocky Hill	1,069	1
53	Southbury	1,089	1
54	Colebrook	1,098	2
55	Sprague	1,106	1
56	Barkhamsted	1,130	2
57	Avon	1,182	1
58	Ledyard	1,183	1
59	Granby	1,251	2
60	Cornwall	1,283	2
61	Chester	1,301	1
62	Burlington	1,302	1
63	Bloomfield	1,308	1
64	Old Lyme	1,319	1
65	Kent	1,383	1
66	Clinton	1,384	1
67	Somers	1,407	2
68	Madison	1,429	1
69	Trumbull	1,453	1
70	North Stonington	1,463	2
71	Pomfret	1,471	2

No.	Name.	Population.	Representation.
72	Old Saybrook	1,484	1
73	Saybrook	1,484	2
74	Ellington	1,539	1
75	Norfolk	1,546	2
76	Redding	1,546	2
77	Washington	1,633	2
78	Lebanon	1,670	2
79	North Canaan	1,683	1
80	Wilton	1,722	1
81	South Windsor	1,736	1
82	Woodbury	1,815	2
83	North Haven	1,862	1
84	Simsbury	1,874	2
85	Coventry	1,875	2
86	Mansfield	1,911	2
87	Cheshire	1,929	2
88	West Hartford	1,930	1
89	Chatham	1,949	2
90	Cromwell	1,987	1
91	Plainville	1,993	1
92	Essex	2,035	1
93	East Lyme	2,048	1
94	Haddam	2,095	2
95	Plymouth	2,147	1
96	Sharon	2,149	2
97	Ridgefield	2,235	2
98	Wethersfield	2,271	2
99	Darien	2,276	1
100	Woodstock	2,309	2
101	Watertown	2,323	1
102	Montville	2,344	1
103	Canton	2,500	1
104	Preston	2,555	2
105	East Haddam	2,599	2
106	Berlin	2,600	1
107	Stratford	2,608	1
108	Brooklyn	2,628	1
109	Waterford	2,661	1
110	New Canaan	2,701	1

No.	Name.	Population.	Representation.
111	Windsor Locks	2,758	1
112	Guilford	2,780	2
113	East Windsor	2,890	2
114	Windsor	2,954	2
115	Colchester	2,988	2
116	Griswold	3,113	1
117	New Hartford	3,160	2
118	Suffield	3,169	2
119	Farmington	3,179	2
120	Thomaston	3,278	1
121	Seymour	3,300	1
122	Litchfield	3,304	2
123	Bethel	3,401	1
124	Salisbury	3,420	2
125	Glastonbury	3,457	2
126	Newtown	3,539	2
127	Westport	3,715	1
128	Milford	3,811	2
129	Fairfield	3,868	2
130	Hamden	3,882	1
131	New Milford	3,917	2
132	Huntington	4,006	1
133	East Hartford	4,455	2
134	Branford	4,460	1
135	Stafford	4,535	2
136	Orange	4,537	1
137	Plainfield	4,582	2
138	Portland	4,687	1
139	Southington	5,501	2
140	Groton	5,539	2
141	Thompson	5,580	2
142	Derby	5,969	2
143	Torrington	6,048	2
144	Winchester	6,183	2
145	Naugatuck	6,218	2
146	Putnam	6,512	2
147	Wallingford	6,584	2
148	Killingly	7,027	2
149	Stonington	7,184	2

No.	Name.	Population.	Representation.
150	Enfield	7,199	2
151	Bristol	7,382	2
152	Manchester	8,222	2
153	Vernon	8,808	2
154	Windham	10,032	2
155	Greenwich	10,131	2
156	Ansonia	10,342	2
157	New London	13,757	2
158	Middletown	15,205	2
159	Stamford	15,700	2
160	Norwalk	17,747	2
161	New Britain	19,007	2
162	Danbury	19,473	2
163	Norwich	23,048	2
164	Meriden	25,423	2
165	Waterbury	33,202	2
166	Bridgeport	48,866	2
167	Hartford	53,230	2
168	New Haven	86,045	2



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